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MONTEREY, CALIFORNIA

THESIS

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT:
DYSFUNCTIONAL NOT BY DESIGN**

by

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March 2007

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DYSFUNCTIONAL NOT BY DESIGN**

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ABSTRACT

Critical to the success of the homeland security mission is a robust Department of Homeland Security, Immigration and Customs Enforcement (ICE). During a speech made while signing the Homeland Security Appropriations Act for 2006, President George W. Bush stressed that in order to defend the United States from terrorists and criminals, the borders and interior of the country must be secured and immigration laws enforced. Unique to the authority found in ICE is the responsibility to carry out this mission. ICE can only accomplish this mission as an integrated and focused agency. However, evidence exists that ICE, which was created by the merger of the Immigration and Naturalization Service and the Customs Service, has not integrated legacy workforces to produce an efficient and unified organization. The evidence suggests that a failed merger plan has left ICE with a segregated workforce that is dysfunctional in executing an enforcement strategy utilizing the blended workforce. This thesis examines and assesses the result of the merger and seeks to identify the causes of inefficiency in the current organization. The thesis recommends a course of action that will mitigate the issues present and help ICE to become an efficient and focused agency.

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LIST OF SYMBOLS, ACRONYMS, AND/OR ABBREVIATIONS

ADDI	Assistant District Director for Investigations
ASAC	Assistant Special Agent In Charge
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BP	Border Patrol
BTS	Bureau of Transportation Security
CBP	Customs and Border Protection
CIS	Citizenship and Immigration Service
CITP	Criminal Investigator Training Program
CMC	Customs Management Center
Customs	United States Customs Service
DEA	United States Drug Enforcement Agency
DSAC	Deputy Special Agent In Charge
DRO	Deportation and Removal Operations
DHS	Department of Homeland Security
ENFORCE	Enforcement Case Tracking System
FBI	Federal Bureau of Investigation
FLETC	Federal Law Enforcement Training Center
FPS	Federal Protective Service
GAO	Government Accounting Office
GS	Group Supervisor
GS-1	General Schedule Pay Scale (1 through 15)
HQ	Headquarter
ICE	Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
INS	Immigration and Naturalization Service
INV	Investigations
JTTF	Joint Terrorism Task Force
LO	Learning Organization
OFPP	Office of Federal Procurement Policy
OI	Office of Investigations
OIG	Office of Inspector General
OJT	On-the-Job Training
OPLA	Office of Principal Legal Advisor
OPM	Office of Personnel Management
NPF	National Police Force
SAC	Special Agent In Charge
SME	Subject Matter Expert
STC	Strategic Trade Center
TDY	Temporary Duty
TO	Table of Organization
TWI	Training With Industry
UDA	Undocumented Alien

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I. INTRODUCTION

A. PROBLEM STATEMENT

In March 2003, the Administration, under direction from Congress, merged various components of the now defunct U.S. Customs Service (Customs) and U.S. Immigration and Naturalization Service (INS) to create the U.S. Immigration and Customs Enforcement (ICE). They also transferred other components of these former agencies to form the U.S. Customs and Border Protection (CBP). ICE and CBP became part of the new Department of Homeland Security (DHS), initially within the Border and Transportation Security (BTS) Directorate.

On July 12, 2005, DHS Secretary Michael Chertoff announced a subsequent reorganization that eliminated BTS. Congress approved of this redesign with the passage of Public Law 109-90¹, which eliminated the Office of the Undersecretary for BTS and made ICE a direct report to the Secretary of DHS.² Since the formation of ICE, however, reports produced by the DHS, Office of Inspector General³ (OIG), the Heritage Foundation, and the Center for Strategic Studies⁴ have challenged the effectiveness of ICE.

The purpose of this thesis is to examine the source of ICE's problems. In particular, the goal is to diagnose the critical reasons for the conflict, tension, inefficiency, and ineffectiveness that these and other outside observers have documented in ICE's sole investigative component, its Office of Investigations (OI). At the core of this analysis is a focus on the ways in which the merger of the various components of

¹ Stephen R. Viña, "Homeland Security: Scope of the Secretary's Reorganization Authority," *CRS Report for Congress*, RS21450, 9 August 2005 (Washington, D.C.: The Library of Congress, 2005), 6. <https://www.hsdl.org/homesec/docs/crs/nps21-111605-05.pdf> (accessed 1 October 2006).

² Jennifer E. Lake and Blas Nuñez-Neto, "Homeland Security Department: FY2006 Appropriations," *CRS Report for Congress*, RL32863, 24 January 2006 (Washington, D.C.: The Library of Congress, 2006), 29. <https://www.hsdl.org/homesec/docs/crs/nps-27-020106-03.pdf> (accessed 1 October 2006).

³ Richard L. Skinner, *An Assessment of the Proposal to Merge Customs and Border Protection with Immigration and Customs Enforcement* (Washington, D.C.: Department of Homeland Security, Office of Inspector General, 2005), 100.

⁴ James Jay Carfano and David Heyman, *DHS 2.0 Rethinking the Department of Homeland Security*, Heritage Foundation and the Center for Strategic and International Studies Special Report (Washington, D.C.: Heritage Foundation, 2004), 7.

ICE has failed, and to identify the critical paths of change and improvement that could, even now, greatly improve the essential mission of ICE for the nation's homeland security.

The mission given to ICE is unquestionably a priority for homeland security. In a speech made while signing the Homeland Security Appropriations Act for 2006, which allocated 7.5 billion dollars to combat illegal immigration, President George W. Bush stated:

To defend this country, we've got to enforce our borders. When our borders are not secure, terrorists and drug dealers and criminals find it easier to come to America. This administration is going to work with Congress to make sure we do our job, and that starts with having a clear strategy. And here's how the strategy has got to be: We've got to strengthen security along our borders to stop people from entering illegally. In other words, we've got to stop people from coming here in the first place. Secondly, we must improve our ability to find and apprehend illegal immigrants who have made it across the border. If somebody is here illegally, we've got to do everything we can to find him or her. And thirdly, we've got to work to ensure that those who are caught are returned to their home countries as soon as possible. The bill I sign today will provide critical resources for all these efforts.⁵

ICE's own mission statement clearly identifies its goal of protecting the nation through programs that were largely established by its legacy components. Current programs of an immigration enforcement nature pertain to critical infrastructure and worksite enforcement, human smuggling and trafficking, document and benefit fraud, Joint Terrorism Task Forces and violent street gang investigations. Current programs of a customs enforcement nature pertain to illegal export of technology and munitions, narcotic trafficking, cyber crimes, intellectual property rights and financial crime investigations.

While the President's charge is clear, the blending of legacy immigration and customs enforcement agencies has become problematic and threatens to undermine this clear national priority. Some of the most contentious debate has been caused by the blending of customs law enforcement (Title 19) functions and immigration law

⁵ George W. Bush, "President Signs Homeland Appropriations Act for 2006," The White House, <http://www.whitehouse.gov/news/releases/2005/10/20051018-2.html> (accessed 28 October 2006).

enforcement (Title 8) functions and distributing responsibilities for these enforcement disciplines to both ICE and its agency partner, CBP.

Historically, customs enforcement revolved around commerce; immigration enforcement centered on people. The investigative functions of Customs and INS did not have overlapping or shared missions, and each developed different focuses and strategies to execute their respective missions. Relationships between various divisions within Customs and INS were well-integrated and complementary. With the merger, these clear lines of work and the strength of the internal relationships were disrupted and damaged.

Before the merger, INS was structured around four operational areas: Enforcement, Detention and Removal (DRO), Inspections, and Adjudications. Enforcement was further divided into the uniformed Border Patrol (BP) and non-uniformed Investigations (INV). The Border Patrol's primary function was to interdict and prevent undocumented aliens⁶ (UDAs) from entering the United States. Investigations' primary role was the enforcement of immigration law on the interior of the United States. DRO also had uniformed and non-uniformed personnel, whose primary function was to detain and remove aliens. Enforcement (BP and INV) had a strong symbiotic relationship with DRO. Inspections was primarily a uniformed service that inspected and admitted immigrants and non-immigrants into the United States through established ports of entry. Adjudications was primarily responsible for adjusting the status aliens to Lawful Permanent Resident Status and to naturalize immigrants.

Legacy Customs had three operational elements: Customs Management Centers (CMC), Strategic Trade Centers (STC) and the Office of Investigations. The main component of the CMC involved the activities of Customs Inspectors, who were the uniformed officers located at ports of entry. The STC was a relatively small component in Customs. Their primary function pertained to international trade quotas that the United States imposed on certain goods. STC Auditors and Trade Specialists monitored, analyzed and assessed additional duties on imported goods that damaged certain domestic

⁶ Undocumented Alien (UDA) means any person not a citizen or national of the United States, present in the United States without having been inspected and lawfully admitted into the United States.

industries, such as steel. The primary function of the Office of Investigations (OI) was to investigate violations of customs law. OI had a strong symbiotic relationship with Customs Inspectors.

Upon DHS' creation, the functions of the CMC and STC from Customs were merged with the functions of Inspections and Border Patrol from INS into CBP. The functions of OI from Customs were merged with the functions of Investigations and DRO from INS into ICE. The symbiotic relationships that OI maintained with the CMC in Customs were strained by virtue that OI and CMC were in separate agencies. Likewise, the symbiotic relationships that Border Patrol maintained with DRO and INV, which existed in INS, were also now strained by their placement in separate agencies.

President Bush and DHS Secretary Chertoff have stated that enforcement of the country's immigration laws is the centerpiece of their homeland security strategy. However, as the merger of INS and Customs into ICE unfolded, problems associated with the enforcement of immigration enforcement and its expanded role in the national strategy to combat terrorism became increasingly problematic.

The U.S. borders are porous. Millions of unknown foreign citizens ("aliens" under immigration law)⁷ enter the United States each year. For at least the last decade or two, illegal immigration has been seen as a security threat to the United States. After 9/11, immigration enforcement became a significant part of the homeland security strategy.

The immigration enforcement mission given to ICE, however, is daunting. ICE Special Agents are the second largest federal contributor to the Joint Terrorism Task Forces (JTTF), second only to the Federal Bureau of Investigation (FBI). Participating ICE agents on the JTTFs are largely comprised of former INS Special Agents. Their work accounts for approximately 80% of all arrests made by the JTTFs.⁸ Yet, a large number of trained immigration enforcement experts, transferred to ICE OI from INS, are

⁷ "Alien" means any person not a citizen or national of the United States. This includes temporary visitors and lawful permanent residents. Immigration and Nationality Act Section 101(a)(3), 8 United States Code Section 1101(a)(3).

⁸ Unnamed, twenty-plus year employee of Immigration and Naturalization Service and Immigration and Customs Enforcement, currently holding a senior position within Immigration and Customs Enforcement with supervisory duties over Joint Terrorism Task Force assets, off-record interview with author, 12 December 2006.

leaving government prematurely with early retirements for private sector employment or transfers to DRO and other agencies.⁹ This loss of expertise threatens to weaken immigration enforcement at precisely the time the nation's homeland security strategy calls for more involvement. If unchecked, this human capital loss has a high probability of threatening ICE's ability to fulfill the centerpiece of the President's homeland security strategy – immigration enforcement. Measures to ensure that new agents are being trained and developed to become the future immigration enforcement experts are also faltering under organizational inefficiencies and ineffectiveness.

Consequences of ICE's problems are readily apparent. Two Government Accounting Office (GAO) studies, for example, reveal that the majority of illegal aliens in U.S. federal and state prisons are serving sentences because of crimes unrelated to their immigration offense. In the federal prison system, 68% of all convicted illegal aliens are serving sentences for crimes other than immigration-related offenses. In the state prison system, 86% of all convicted illegal aliens are serving sentences for crimes other than immigration-related offenses. These non-immigration related crimes run the full gamut of criminal violations, the majority of which are serious violent felony and drug offenses.¹⁰

In a population study of 55,322 incarcerated illegal aliens, the average illegal alien had been arrested over 8 times for a total of approximately 700,000 criminal offenses.¹¹ Forty-nine percent of the illegal aliens had previous violent felony and drug offense convictions. Of those aliens arrested for only immigration-related charges, two-thirds had prior criminal arrest records; and 56% of those charged with unlawful reentry had previous convictions for violent felonies.

The impact on states is even greater. In Colorado, for instance, illegal aliens constitute approximately 5% of the state's total population. Yet, 20% of the state's total

⁹ A precise number of these transfers is difficult to document. This observation is based upon discussions with senior agents and supervisors during the study's research, from two SAC offices of which I have personal knowledge, and widespread reports from agents across the country.

¹⁰ U.S. Government Accounting Office, *Information on Certain Illegal Aliens Arrested in the United States*, Briefing for Congressional Requesters, 19th Cong., 1st sess., 9 May 2005 (Washington, D.C.: Government Printing Office, 2005), 22-23. <http://gao.gov/new.items/d05646r.pdf> (accessed 28 October 2005).

¹¹ *Ibid.*, 3.

jail population is illegal aliens.¹² Although a minority of illegal aliens intend to do Americans harm, there is no way to know in advance which illegal aliens are the criminals and terrorists. One in four fugitive murder warrants issued in Colorado are for illegal aliens, but in sheer numbers this pales in comparison to Los Angeles County where there are over 300 outstanding murder warrants for illegal aliens.¹³

Although these statistics appear to be high, empirical analysis demonstrates that the likelihood of incarceration for foreign born males is lower than a similarly situated native born population. According to the Migration Policy Institute, based upon 2000 census data “the incarceration rate of the US born (3.51 percent) was four times the rate of the foreign born (0.86 percent).”¹⁴

Between 1995 and 2003, Dr. Robert J. Sampson conducted a study that identified the “Latino paradox.” The study contrasted the propensity towards violence by Hispanics to whites and blacks in 180 Chicago neighborhoods. According to Sampson:

Surprisingly, we found a significantly lower rate of violence among Mexican-Americans than among black and whites. A major reason is that more than a quarter of all those of Mexican descent were born abroad and more than half lived in neighborhoods where the majority of residents were also Mexican. Indeed, the first-generation immigrants (those born outside the United States) in our study were 45 percent less likely to commit violence than were third-generation Americans, adjusting for family and neighborhood background. Second-generation immigrants were 22 percent less likely to commit violence than the third generation.¹⁵

The significance of this issue is that the real security risk is the unknown illegal population, those who may provide the greatest vulnerability and link to terrorism because they are totally unscreened and unrecorded. To mitigate this vulnerability CBP and ICE have focused their efforts on this population. Illegal movement into the United

¹² Colorado Alliance for Immigration Reform, *Crime and Illegal Aliens in Colorado*, http://www.cairco.org/issues/issues_crime_colorado.html (accessed 29 January 2006).

¹³ Ibid.

¹⁴ Rubén G. Rumbaut et al., “Debunking the Myth of Immigrant Criminality: Imprisonment Among First- and Second-Generation Young Men,” Migration Policy Institute, <http://www.migrationinformation.org/Feature/print.cfm?ID=403> (accessed 28 January 2007).

¹⁵ Robert J. Sampson, “Open Doors Don’t Invite Criminals,” New York Times, 11 March 2006, sec. A, p. 15. http://wjh.harvard.edu/soc/faculty/sampson/articles/2006_NYT_OpenDoors.pdf (accessed 28 January 2007).

States is primarily a concern of CBP whose top priority is to secure the border and to keep terrorists and their weapons from entering the United States. This is done at ports of entry with uniformed CBP Officers and between ports of entry by Border Patrol Agents. Once in the interior of the United States, responsibility to respond to these threats shifts to ICE. A significant priority for ICE is to eliminate the potential threat of terrorist acts, by targeting people, money and materials that support terrorists. ICE largely executes their counterterrorism mission through participation in the JTTFs. Additionally, ICE has implemented several border and interior initiatives that target smuggling organizations. Smuggling organizations have resources that provide a significant threat to bring in and transit scores of unidentified aliens throughout the United States.

B. HYPOTHESIS

The root cause for the failure to produce a cohesive and efficient organization is a direct consequence of an insufficient, even amateurish, effort of the change management process. This failure, in turn, underlies many of the problems facing ICE and, therefore, the nation's ability to secure its borders. Even though the formation of DHS involved an organizational change management effort of historic proportions, ICE leadership systematically failed, and perhaps consciously undermined, efforts to bring immigration enforcement fully into the broad range of tasks required by Congressional and Administration directive.

This thesis examines the process of organizational merger that transformed components from INS and Customs into a single entity within the Department of Homeland Security. It focuses specifically on identifying where and why the process failed in its goal to create one agency that would draw on the strengths of two disciplines (immigration and customs) to protect the homeland.

The outcome of this thesis is a recommendation for the corrective action needed to forge a new organizational culture and enhance the operational efficiency of ICE. Although both immigration and customs enforcement have been deeply affected by the creation of ICE, the emphasis here is on the impact of organizational failures on immigration enforcement, which as noted above rests solidly as the centerpiece of the President's homeland security strategy.

1. Identifying Organizational Problems

Reports from the DHS' OIG and by non-governmental groups, such as the Heritage Foundation, argued that the merger of INS and Customs has weakened, not strengthened, the capacity of the U.S. government to secure its borders, reform interior enforcement, and achieve the national security goals outlined by President Bush. For example, in 2004, the GAO reported "that the lack of uniform policies and procedures for some ICE operations has caused confusion and hindered the creation of a new integrated culture."¹⁶ Not all of these problems, of course, begin with the post-9/11 merger. GAO had also argued that the problems facing the immigration enforcement mission began well before the formation of the Department of Homeland Security. Immigration enforcement suffered under the now defunct Immigration and Naturalization Service, which was housed within the Department of Justice, and continues to struggle under its new organization as ICE. Still, the transition to the new organizational structure has created its own set of problems. GAO asserted, "the integration of INS and Customs investigators into a single investigative program has involved the blending of two vastly different workforces, each with its own culture, policies, procedures, and mission priorities."¹⁷ GAO further found that "important steps remained to be completed at many offices to fully integrate investigators."¹⁸

The failure to adequately and effectively manage the transformation of these agencies, according to a variety of sources, bears considerable responsibility for ICE's persistent weaknesses, especially in immigration enforcement. GAO claimed, for instance, that poor immigration enforcement was linked to problems due to "significant management challenges."¹⁹ Specifically addressing the immigration enforcement mission

¹⁶ U.S. Government Accounting Office, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, (Washington D.C.: U.S. Government Accounting Office, 2004), 4. <http://www.gao.gov/new.items/d0581.pdf> (accessed 6 March 2006).

¹⁷ Ibid., 11.

¹⁸ Ibid., 4.

¹⁹ Richard M. Stana, *Department of Homeland Security: Addressing Management Challenges that Face Immigration Enforcement Agencies*, Testimony to House Subcommittee on Immigration, Border Security, and Claims, Committee on the Judiciary, 109th Cong., 1st sess., 5 May 2005 (Washington, D.C.: U.S. Government Accounting Office, 2005), 12. <http://www.gao.gov/new.items/d05664t.pdf> (accessed 6 March 2006).

in ICE and CBP, GAO Director Richard Stana argued that management challenges “included a lack of clearly defined priorities and goals; difficulty determining whom to coordinate with, when to coordinate, and how to communicate; and inadequately defined roles resulting in overlapping responsibilities, inconsistent program implementation, and ineffective use of resources.”²⁰

2. Identifying the Sources of Problems

Organizational transformation is, of course, a difficult process in itself. Numerous studies have focused on the challenges that existed in both the government and the private sectors. In 2002 GAO identified nine key practices that were needed for new organizations to be successful.²¹ These practices again resurface in the 2004 GAO report titled *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*.²² Of these nine key practices, GAO suggested that two of them would be particularly beneficial for ICE: establishing a communication strategy and involving employees to obtain their ideas. GAO stated that “while we did not assess in this review the degree to which these practices are being used, we did identify certain parts of key practices that have not been fully integrated into immigration strategies, such as establishing a feedback mechanism to identify and address employee concerns.”²³

This thesis examined a wide range of problems both identified separately during this research and within the general discussions about DHS’ performance, through the lens of lessons learned from the literature on organizational change management. Among the various theoretical and empirical insights of previous studies of organizational change, this thesis embraced the central significance of the quality and effectiveness of

²⁰ Stana, *Department of Homeland Security: Addressing Management Challenges that Face Immigration Enforcement Agencies*, 1.

²¹ U.S. Government Accounting Office, *Highlights of a GAO Forum: Mergers and Transformations: Lessons Learned for a Department of Homeland Security and Other Federal Agencies* (Washington, D.C.: U.S. Government Printing Office, 2002), 2. <http://www.gao.gov/cgi-bin/getrpt?GAO-03-293SP> (accessed 7 March 2006).

²² U.S. Government Accounting Office, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, 39.

²³ *Ibid.*, 6.

leadership in achieving successful merger. Leadership is essentially critical, as this thesis shows, in achieving the two GAO suggested key practices that would be most beneficial to ICE.

C. SIGNIFICANCE

The results of this research are of importance, not only to immigration enforcement, but also to DHS and the entire organizational strategy that supports the nation's homeland security mission. GAO found, for instance, that "a number of similar management challenges that had been experienced by INS have continued in the new organizations now responsible for immigration enforcement functions."²⁴ Director Stana stated that among those "management challenges" were clear mission, strategic planning, good organizational alignment, performance measures and leadership.

In order to successfully meet the challenges identified by GAO, ICE leadership must execute a strategy of change management that offers critical lessons throughout the Department and across the government. In particular, leadership is critical to facilitating the emergence of a new culture that members from a variety of very different agencies can and will embrace. In ICE's case, leadership must integrate immigration enforcement into a culture that is deeply influenced by the legacy Customs' orientation. Immigration enforcement is difficult and complex. Immigration law enforcement is among the most difficult kinds of police work and has been compared in complexity as being second only to Internal Revenue Code. It is constantly challenged and changed by court precedent and legislative action. Additionally, through its immigration enforcement authority, ICE is unique in the federal law enforcement community in that it is the only federal agency that arrests and detains most of their own subjects.

In building a new culture, in achieving organizational change of this magnitude, participants' perceptions are critical. When change management is successful, a new corporate identity and culture is developed that is unique to the transformed organization. If employees do not believe that they have ownership for the transformation, this will be

²⁴ Stana, *Department of Homeland Security: Addressing Management Challenges that Face Immigration Enforcement Agencies*.

difficult to build. Without a break from past identities and cultures, a new agency will not be able to refocus and drive itself in a different direction.

Collateral to the issue of identity and culture are issues of morale and employee retention. In a 2002 report, GAO estimated that INS would lose 21% of its employees to retirement.²⁵ Additionally, between fiscal years 2001 – 2002, INS suffered a 556 percent increase in the loss of agents to other agencies.²⁶

Legacy INS' human capital issues were long-standing. According to another 2002 report by GAO, "INS reported that it did not meet its hiring goal for one reason – a significant increase in the loss of agents to other federal agencies."²⁷ In large part, this resulted in an inability to reach their program goals.²⁸ Speaking specifically about interior immigration enforcement, Director Stana testified, "our work has shown that INS faced numerous daunting enforcement issues, as will BICE as it assumes responsibility for the strategy."²⁹ Stana noted that GAO had previously reported in 1995, 1997, 1998 and 1999 that INS reported not having sufficient staff to reach its program goals. Retention of agents must be a critical step for ICE to address. However, in order to meet the challenges of succession planning for a future immigration enforcement mission, it is also imperative that ICE place high priority on quality training for new agents.

D. STUDY DESIGN

An extensive literature review of government and academic works identified key change management principles that were required for successful major organizational restructurings and mergers. Using focus groups and interviews involving current and former ICE employees, data was collected to address each of these key principles. In each

²⁵ U.S. Government Accounting Office, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, 47.

²⁶ Ibid.

²⁷ U.S. Government Accounting Office, *Homeland Security: Management Challenges Facing Federal Leadership* (Washington, D.C.: U.S. Government Accounting Office, 2002), 47. <http://www.gao.gov/new.items/d03260.pdf> (accessed 4 March 2006).

²⁸ Ibid., 46.

²⁹ Richard M. Stana, Homeland Security, *Homeland Security: Challenges to Implementing the Immigration Interior Enforcement Strategy*, Testimony to House Subcommittee on Immigration, Border Security, and Claims, Committee on the Judiciary, 108th Cong., 1st sess., 10 April 2003 (Washington, D.C.: U.S. Government Accounting Office, 2003) 5. <http://www.gao.gov/new.items/d03660t.pdf> (accessed 9 January 2007).

focus group, participants were asked similar questions to obtain various perspectives on the merger process and its leadership dimensions. Targeted interviews were also conducted with subject matters experts (SMEs) to corroborate, clarify and or expand upon some of the information obtained in forums. Legacy INS and legacy Customs agents served as SMEs and were located at the Federal Law Enforcement Officers Academy, as well as ICE Headquarters and ICE field locations. A detailed description of these data collection procedures is included in Chapter III.

II. LITERATURE REVIEW

A. INTRODUCTION

There is considerable literature on the subject of an organizational change process, more appropriately titled change management. Change management is a systematic approach and application of knowledge, tools and resources that when properly employed will facilitate a successful merger or major organizational transformation. There are critical steps to this process that need to address the needs of not only the organization, but also the individual employees of the organizations involved in the merger process.

This chapter reviews government and academic literature on what constitutes change management from a theoretical perspective, such as provided for by Ian Kirkpatrick and Stephen Ackroyd; as well as from a practical application perspective, such as provided for by Tay Keong Tan, Loizos Heracleous and Steven Kelman. The literature review studied successes in change management as demonstrated in pieces by Tan, Heracleous, Jenny Stewart and Paul Kringas; and examples of failures cited by Daryl Conner and Peter Myer.

B. GOVERNMENT SOURCES

There are author/researchers that have chronicled, analyzed and influenced successful transformations and mergers in the public sector. However, there are none that have done so on as large a scale as the Department of Homeland Security. The literature provided good background and theory, offering practical advice for use in public sector. However, in words of caution, the Comptroller General of the United States David Walker advised:

A successful merger and acquisition in the private sector can be very difficult. In fact, successful merger and transformation efforts can be much more difficult to achieve in the public sector than in the private sector. Public sector efforts must contend with more stakeholders and power

centers, less management flexibility, and greater transparency than in the private sector. Moreover, creating a successful DHS may be especially difficult because of the size, complexity, and importance of the effort.³⁰

GAO has produced several reports pertaining to organizational transformations; however, the seminal guidance on the subject was presented to the Select Committee on Homeland Security for the House of Representatives on July 22, 2002. Walker stated, “assembling a new organization out of separate pieces and reorienting all of its processes and assets to deliver the desired results while managing related risks will take an organized systematic approach to change.”³¹

On September 24, 2002, the Comptroller and GAO convened a forum to “identify and discuss useful practices and lessons learned from major private and public sector organizational mergers, acquisitions, and transformations that federal agencies could implement to successfully transform their cultures and a Department of Homeland Security could use to merge its various originating components into a unified department.”³² The forum’s participants were well-respected representatives of government, industry and academia who had experience managing large-scale organizational mergers and transformations. This group of senior public and private sector leadership represented the Department of Defense, Federal Bureau of Investigation, Center for Strategic and International Studies, Partnership for Public Service, Private Sector Council, National Academy of Public Administration, Business Executives for National Security, The Conference Board, Lockheed Martin Corporation, Northrup Grumman, Cisco Systems, Hewlett-Packard Company, J.P. Morgan Chase, University of Virginia – Darden Graduate School of Business and others. While the participants did not achieve consensus on all issues of change management the outcome

³⁰ U.S. Government Accounting Office, *Highlights of a GAO Forum: Mergers and Transformations: Lessons Learned for a Department of Homeland Security and Other Federal Agencies*, 2.

³¹ David Walker, Homeland Security, *Homeland Security: Critical Design and Implementation Issues*, Testimony to Select House Committee on Homeland Security, 107th Cong., 2nd sess., 17 July 2002 (Washington, D.C.: U.S. Government Accounting Office, 2002), 10. <http://www.gao.gov/new.items/d02957t.pdf> (accessed 25 December 2006).

³² U.S. Government Accounting Office, *Highlights of a GAO Forum: Mergers and Transformations: Lessons Learned for a Department of Homeland Security and Other Federal Agencies*, 4.

was an “agreement on a number of key practices that have consistently been found at the center of successful mergers, acquisitions, and transformations.”³³

In a 2003 *Report to Congressional Subcommittees* the following nine agreed upon practices, identified as “Key Practices and Implementation Steps for Mergers and Organizational Transformations” were presented:³⁴

- Ensure top leadership drives the transformation
- Establish a coherent mission and integrated strategic goals to guide the transformation
- Focus on a key set of principles and priorities at the outset of the transformation
- Set implementation goals and a timeline to build momentum and show progress from day one
- Dedicate a management team to manage the transformation process
- Use the performance management system to define responsibility and ensure accountability for change
- Establish a communication strategy to share expectations and report related progress
- Involve employees to obtain their ideas and gain their ownership for the transformation
- Build a world-class organization

GAO recognized that people were at the center of change management and that to be successful in mergers or organizational transformations, strategies had to be used to help people adjust to mergers or major organizational changes. If steps were not taken to maximize employees’ potential, organizations risked reduced productivity and effectiveness. A successfully planned change management process ensured that there was a collaborative effort between leadership and employees. GAO recognized that:

A successful merger and transformation must involve employees and their representatives from the beginning to gain their ownership of the changes that are occurring in the organization. Employee involvement strengthens the transformation process by including frontline perspectives and

³³ U.S. Government Accounting Office, *Highlights of a GAO Forum: Mergers and Transformations: Lessons Learned for a Department of Homeland Security and Other Federal Agencies*, 4.

³⁴ U.S. Government Accounting Office, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations* (Washington, D.C.: Government Accounting Office, 2003), 8-31. <http://gao.gov/new.items/d03669.pdf> (accessed 7 March 2006).

experiences. Further, employee involvement helps to create new networks and break down existing organizational silos, increase employees' understanding and acceptance of organizational goals and objectives, and gain ownership of new policies and procedures. Implementation steps that accompany this key practice include using employee teams, involving employees in planning and sharing performance information, incorporating employee feedback into new policies and procedures, and delegating authority to appropriate organizational levels.³⁵

In 2005, GAO recognized the importance of management integration efforts during a merger or transformation, by again referencing the importance of using a dedicated implementation team, the need for leadership to drive the process and of building momentum to demonstrate progress.³⁶ The emphasis on interim milestones to gather momentum for the change process was one of two key elements later found to be critical in an approach espoused by Kelman.

In May 2005, GAO found that the same management challenges that haunted INS in 1997 were present in ICE. This report focused on ICE's management framework and the factors of "clarity of mission, strategic planning, organizational alignment, performance measures, and leadership focus and accountability."³⁷

One of the most significant challenges INS faced was a lack of clearly defined priorities and goals. Although GAO had reported before on the importance of this challenge, ICE had been unable to develop and define its priorities and goals. ICE had clearly stated their mission on official websites, printed literature and in official speeches and press releases as, "our mission is to protect America and uphold public safety." At times it had been somewhat expanded by adding a connection to investigating immigration and customs violations, but little more detail had been provided. ICE's

³⁵ U.S. Government Accounting Office, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, 40.

³⁶ U.S. Government Accounting Office, *Department of Homeland Security: A Comprehensive and Sustained Approach Needed to Achieve Management Integration* (Washington, D.C.: Government Accounting Office, 2005), 4-5. <http://www.gao.gov/new.items/d05139.pdf> (accessed 11 March 2006).

³⁷ U.S. Government Accounting Office, *Department of Homeland Security: Addressing Management Challenges That Face Immigration Enforcement Agencies*, 7-8.

priorities have not been simply stated; however, viewing their current enforcement programs may provide insight on those areas ICE management believes to be important.³⁸

- ICE is the second largest federal law enforcement contributor to the Joint Terrorism Task Force.
- ICE dismantles gang organizations by targeting their members, seizing their financial assets and disrupting their criminal operations through [Operation Community Shield](#).
- ICE investigates employers and targets illegal workers who have gained access to critical infrastructure worksites (like nuclear and chemical plants, military installations, seaports and airports) through the [Worksite Enforcement Initiative](#).
- ICE helps to identify fraudulent immigration benefit applications and fraudulent illegal document manufacture and target violators through the [Identity and Benefit Fraud Program](#).
- ICE investigates the illegal export of U.S. munitions and sensitive technology through the [Project Shield America Initiative](#).
- ICE helps combat criminal organizations that smuggle and traffic in humans across the borders through the [Human Smuggling and Trafficking Initiative](#).
- ICE aggressively seeks to destroy the financial infrastructure that criminal organizations use to earn, move and store illicit funds through the [Cornerstone Initiative](#).
- ICE plays a leading role in targeting criminal organizations responsible for producing, smuggling and distributing counterfeit products through the National [Intellectual Property Rights Coordination Center](#).
- ICE supports the law enforcement community through three units dedicated to sharing information and providing investigative support: the [Law Enforcement Support Center](#), [Forensic Document Laboratory](#), and the [Cyber Crimes Center](#).

GAO found “in successful transformation efforts, developing, communicating, and constantly reinforcing the mission gives employees a sense of what the organization

³⁸ U.S. Department of Homeland Security, Immigration and Customs Enforcement, “About ICE,” Immigration and Customs Enforcement, <http://www.ice.gov/about/index.htm> (accessed 3 January 2007).

intends to accomplish, as well as helps employees figure out how their positions fit in with the new organization and what they need to do differently to help the new organization achieve success.”³⁹

C. ACADEMIC SOURCES

There are different types of collaborations, however a permanent collaboration, which is needed in a successful merger “generally involves common goals.”⁴⁰ According to Professor Myrna P. Mandell, there are five factors that affect relationships: commitment of members, perceptions and values of members, imposition of rules and regulations, relative power of members and impact of political/cultural context.⁴¹ Some of these factors are related to the key practices identified by GAO.

The perception and values of members can color the attitude they bring into a collaborative effort. The relative power of members may result in influence and control over other members. These factors relate to the key practice of involving employees in the change process. If employees perceive that their ideas are unimportant or that their ideas will not be heard, it can hinder their ownership in the transformation process.

Professor Mandell believed that the impact of political and cultural context is a factor affecting relationships in collaborative relationships. However, it is more than that in the context of a merger and it has a two-fold impact on organizational change. In the political sense, government agencies have a hierarchical structure and relationship between leadership and staff and “they are not willing to give up their status or position vis-à-vis others in the effort.”⁴² This attitude, experienced in a merger, can limit the success of the collaborative effort.

The cultural context factor is of particular interest in the merger of Customs and INS. “The cultural context refers to the values, beliefs, and attitudes of the members

³⁹ U.S. Government Accounting Office, *Department of Homeland Security: Addressing Management Challenges That Face Immigration Enforcement Agencies*, 8.

⁴⁰ Myrna P. Mandell, “Types of Collaborations and Why the Differences Really Matter,” *Public Manager* 31, no. 4 (Winter 2002/2003): 36. (accessed through ProQuest, 4 March 2006).

⁴¹ Mandell, “Types of Collaborations,” 37-38.

⁴² *Ibid.*, 38.

based on their own individual backgrounds and organizational entities they represent.”⁴³ The greater the differences between two merging cultures, the more problematic the change process and greater likelihood of an unsuccessful merger.

When great cultural differences exist between two merging organizational structures, a “disconnect between members’ hopes and realities of collaboration”⁴⁴ can occur. To mitigate this disconnect key stakeholders from both organizations must be involved in a collaborative effort to effect change on an incremental basis. By sharing information and expertise, trust is developed and eventually more complex issues can be discussed.

In the past, more study had been conducted on the process of change in the private sector versus the public sector; however, “in recent years there has been growing interest in analyzing processes of change in professional service organizations drawing on the concepts of archetype theory.”⁴⁵ Archetype theory was defined by Royston Greenwood and C.R. Hinings in two general statements:⁴⁶

- Organizational structures and management systems are best understood by analysis of overall patterns rather than by analysis of narrowly drawn sets of organizational properties
- Patterns are a function of the ideas, beliefs, and values - the components of an interpretive scheme

According to Greenwood and Hinings, an understanding of archetype theory is important for understanding organizational change in two different archetypes: heteronomous professional bureaucracy archetype and the corporate bureaucracy archetype.

The heteronomous professional bureaucracy archetype concerns itself with the delivery of essential services, such as social programs and police and fire protection, as

⁴³ Mandell, *Types of Collaborations*, 38

⁴⁴ Ibid., 37-38.

⁴⁵ Ian Kirkpatrick and Stephen Ackroyd, “Archetype Theory and the Changing Professional Organization: A Critique and Alternative,” *Organization* 10, no. 4 (Thousand Oaks, CA: SAGE Publications, 2003): 731. (assessed through CSA Illumina, 4 March 2006).

⁴⁶ Royston Greenwood and C.R. Hinings, “Understanding Strategic Change: The Contribution of Archetypes,” *Academy of Management Journal* 36, no. 5 (BriarCliff Manor, New York: Academy of Management, 1993): 1052. (accessed through JSTOR, 1 April 2006).

an outcome of historical need. In this structure, the organization delivers each of these services along separate specialized work units based upon the competencies required by a particular discipline. The activities required to provide each service are viewed uniquely separate from one another.

The corporate bureaucracy archetype views the organization delivering these same seemingly disparate services as an integrator. The purpose of the organization is not administrative as in the professional bureaucracy archetype; rather it is an instrument of community governance with values and accountability on a macro level.

The heteronomous professional bureaucracy archetype has accountability within professional disciplines, with compensation, appraisals and resource allocation arranged to support incremental organizational change. The corporate professional bureaucracy archetype is structured to support broader organizational goals and a framework that supports integration of activities toward meeting these goals; it is therefore more capable of supporting major organizational change. Change does occur in both of these archetypes in the same manner, a process of interpretive de-coupling and re-coupling of roles in the organization, just at differing levels.

Although the theory was developed after rigorous study of private firms, such as those pertaining to law and accountancy, a number of scholars have espoused the validity of applying it toward understanding change in public sector organizations. However, Kirkpatrick and Ackroyd challenged the use of archetype theory for the analysis of change in public sector professional service organizations.

Structure can be described as the framework that allows an organization to function by establishing relationships and assigning authority and responsibility. This framework serves to coordinate and control power. Two predominant theories for structure are classical and classical contingency. The classical theorists believe that there is one best organizational structure, while classical contingency theorists believe that there is no one best way to structure. Kirkpatrick and Ackroyd stated that the archetype theory provided a better place for change actors than the classical contingency theory, but

they believed that the differences between private and public sector organizations were too different to allow for the archetype theory's use in public sector organizations.

They believed that among the weaknesses inherent in the archetype theory were that the professions involved in a private law or accountancy firm could not be generalized to fit public sector organizations. They believed this to be problematic because “not only might we exaggerate the control some professions (such as those in the public sector) have over service organizations, there is a risk of overstating the extent to which the professions initiate and support management change.”⁴⁷

Kirkpatrick and Ackroyd promoted an alternative approach to view organizational change, blending Margaret Archer's development of morphogenic theory with the sociology of professions and naming their concept the morphogenic theory of organization.⁴⁸

Archer proposed that organizations form and reform through agents. The actions of these agents, or key figures, influenced to a greater degree the activities of many. Archer believed “that agency produces structures and these, in turn, profile the context and conditions for further action.”⁴⁹ This relationship provided the agency with a more prominent role in organizational change, be it positive or negative. Kirkpatrick and Ackroyd said, “applying Archer's analysis to organizations suggests that structures do not necessarily change in a straightforward way as the balance of power shifts between groups – as implied in resource dependency theory for example.”⁵⁰

Archer differentiated between two types of agents that Kirkpatrick and Ackroyd thought explained the enhanced ability of a profession within an agency to influence and shape organizational change; these are primary agents and corporate agents. Primary agents reproduce existing conditions, while corporate agents can influence conditions and shape the agency.

⁴⁷ Kirkpatrick and Ackroyd, *Archetype Theory and the Changing Professional Organization*, 738.

⁴⁸ Ibid., 742.

⁴⁹ Ibid.

⁵⁰ Ibid., 741.

Kirkpatrick and Ackroyd said, “following Archer, professions may be viewed as corporate agents or as groups that have enhanced capacity to influence or shape practice in organizations.”⁵¹ They used the sociology of professions to help understand “the relationship between general processes of professionalization and the particular modes of service organization that emerge in different circumstances.”⁵² Using this concept, they discovered much about the relative capacities of professional groups to act within organizations. This research can be used to help analyze legacy immigration enforcement agents and legacy customs enforcement agents as separate and distinct professional groups within ICE and therefore identify the group that can best influence the organization in a positive way.

D. PRACTICAL APPLICATIONS

Tay Keong Tan and Loizos Heracleous assisted the Asian national police force (NPF) in a successful large-scale organizational change by helping transform NPF “into a learning organization (LO) infusing the philosophies of Peter Senge’s (1990) five disciplines.”⁵³

According to Senge, a learning organization is one that brings people together to learn, change and grow. He developed five core disciplines that he believed were needed to become a learning organization:⁵⁴

- Systems thinking based on system dynamics
- Personal mastery in clarifying and deepening personal vision
- Mental models of looking inward at our perceptions
- Shared visions of commitment and enrollment with others
- Team learning to suspend assumptions and learn together

Tan and Heracleous used an “action research” methodology to introduce these disciplines to NPF. Action research is a fluid and dynamic process developed by the

⁵¹ Kirkpatrick and Ackroyd, *Archetype Theory and the Changing Professional Organization*, 741

⁵² *Ibid.*, 742.

⁵³ Tay Keong Tan and Loizos Heracleous, “Teaching Old Dogs New Tricks: Implementing Organizational Learning in an Asian National Police Force,” *Journal of Applied Behavioral Science*, Vol. 37, no. 3 (Alexandria, VA: NTL Institute for Applied Behavior Science, 2001): 362. (accessed through CSA Illumina, 4 March 2006).

⁵⁴ Peter Senge, *The Art and Practice of the Learning Organization* (New York: Doubleday Dell Publishing, 1994).

founder of modern social psychology, Kurt Lewin. More than just studying and chronicling the changes at NPF, the process of action research introduced the “researchers’ direct involvement in practical settings” to achieve the organizational change sought by NPF.

Through in-depth interviews with NPF’s staff during the transformational process, Tan and Heracleous provided NPF’s leadership with continual feedback that they would use to fine-tune the process towards developing the core disciplines as espoused by Senge. For the application of any corrective actions suggested in this thesis, it is noteworthy to reflect upon Tan and Heracleous’ realization that “even though transformational change was ultimately desired, it could not be carried out swiftly because any lapse in the organization’s functionality potentially could have disastrous consequences for public safety.”⁵⁵

Tan and Heracleous’ approach “illustrates that a bottom-up participative process (e.g., in developing a vision for the future) is important to inculcating a sense of ownership of change initiatives by organizational members and in providing a credible direction toward which to advance through highlighting a gap between a vision and the current reality and the use of frequent and multifaceted communication to create readiness for organizational change.”⁵⁶

“This case study illustrates how the disciplines of the LO can be used in public sector organizations as tools for large-scale organizational change, from conservative and often inefficient bureaucracies to forward-looking and responsive organizations.”⁵⁷ Also found crucial to this study was the need for transformational/incremental change to be properly timed so that the ability to deliver services is not hindered.⁵⁸

A collaborative approach between all levels of employees and management at the United States Department of Education was used to assist the department toward becoming a more focused and efficient agency. Madeline M. Kunin was Deputy

⁵⁵ Tan and Heracleous, *Teaching Old Dogs New Tricks*, 378.

⁵⁶ Ibid., 376.

⁵⁷ Ibid.

⁵⁸ Ibid., 378.

Secretary of Education, when she followed the advice produced by the Natural Resources Conservation Service to help organizations through major reorganizations:⁵⁹

- Use personal methods of communication in dealing with employees whenever possible
- Give employees clear and consistent written and verbal information on employee rights and how to apply for jobs
- Keep in mind that major influences on relocation decisions include whether the employee wants to stay with the agency and whether the employee can relocate
- In the event that an agency's restructuring will involve advertising positions within the agency, provide seminars on the job application process, and give all employees memos and fact sheets on this process

The Department of Education developed a performance measurement system to track progress that held each individual, employee as well as manager, accountable to a standard. Ninety-three percent of the department's regulations were eliminated or reinvented to streamline their business and reduce the burden on employees. Empowering front-line employees and including them in the organization change process assisted in Education becoming more efficient. According to Kunin, "from a base of six layers of supervision in 1993, we have slimmed down to 3.5 organizational layers, and we are fast approaching our target of 3 layers by 1997."⁶⁰

Daryl Conner and Peter Meyer provide empirical evidence pointing to four reasons that organizations often fail to realize their full potential in managing major change:

- Lack of clear decisions and goals
- Executive management not taking an active leadership role
- Underestimating that people are the biggest variable
- Not correctly estimating the capacity for change

Before implementing any major change process, it is imperative that goals are clearly defined and established. "Although defining the criteria for success can be a

⁵⁹ Madeline M. Kunin, "Culture Change at the Department of Education," *Public Manager* 24, no.4 (Winter 1995/1996 (McLean, VA: LMI Research Institute): 34. (accessed through ProQuest, 4 March 2006).

⁶⁰ Kunin, "Culture Change," 35.

complicated and difficult task, the downside is worse.”⁶¹ According to Dr. Wayne Hockmeyer of MedImmune, Inc., “projects that didn’t achieve the expected outcome lacked focus, as well as personal intervention by two or three senior people within the organization.”⁶²

Success was realized at The Hartford Financial Services Group, Inc. when a person or team acted as an architect, looking for integration points. Hartford’s leadership knew that their senior-level executives had to be engaged throughout the change process. Hartford’s John Madigan said, “although some executives may think this level of effort should not be necessary, our executive interviews clearly indicate that change must be sold, resold, emphasized, and monitored throughout the change management process.”⁶³

The largest variable in the change process is the human side. The ability to understand and embrace change for employees is often difficult. Bon Secours Health System selected a new clinical information system that technically functioned, but by underestimating the difficulties employees would have in learning to work with the new system, the changeover took twice as long to achieve. Organizations such as MedImmune, which were successful with change management, were so because they understood their employees and “because people felt like a community with common goals and objectives.”⁶⁴

Finally, failure at change can occur because core skills needed to execute the change do not exist. As the change process unfolds, the business of the organization must continue and core skills and resources are needed to address both activities. As noted by Hartford’s Madigan during a major change initiative, “we are changing the tires while the car is in motion.”⁶⁵ For success an organization needs the capacity to carry on business during the change process. Madigan said, “the human capacity to absorb change is

⁶¹ Daryl Conner and Peter Myer, “Managing Change: Lessons from the Real World,” *Business and Economic Review* 50, no.2 (Jan-Mar 2004) (Columbia, SC: Moore School of Business, 2004): 10. (accessed through ProQuest, 4 March 2006).

⁶² Ibid.

⁶³ Ibid, 10.

⁶⁴ Ibid.

⁶⁵ Ibid.

reduced when those changes are not seen as integrated, not part of one new approach to things. When people cannot absorb change, change does not occur.”⁶⁶

According to Jenny Stewart and Paul Kringas, “change is a ubiquitous theme in management literature, but empirical studies that seek to draw lessons from the experience of managing change are rare.”⁶⁷ Stewart and Kringas analyzed patterns of change management in six Australian federal agencies that supported “a number of broad themes already apparent in the literature and suggest that change processes that have the support of the workforce require good leadership, an appropriate model of change, some room for negotiation and compromise and well-planned communication.”⁶⁸

Stewart and Kringas developed their research, data collection and evaluation efforts to rank the six agencies according to two outcome measures: objective change and perceived change. The following factors were present in the agencies that realized successful outcomes in both measures:⁶⁹

- An appropriate change model
- Effective leadership
- Sufficient resources
- Attention to communication

One of the more contemporary theories on how to execute organizational change from a practical perspective is provided by Steven Kelman. From 1993 through 1997, Kelman was the administrator of the Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget. In this capacity, he was responsible for the successful transformation of the federal procurement process.

Large organizations in particular, are in a constant state of change to some extent; however, the change that is most difficult is “where it requires modification of embedded

⁶⁶ Conner and Myer, *Managing Change*, 10.

⁶⁷ Jenny Stewart and Paul Kringas, “Change Management-Strategy and Values in Six Agencies from the Australian Police Service,” *Public Administration Review* 63, no.6 (Nov/Dec 2003) (Washington: American Society for Public Administration, 2003): 675. (accessed through ProQuest, 4 March 2006).

⁶⁸ Stewart and Kringas, *Change Management Strategy*, 675.

⁶⁹ *Ibid.*, 686.

individual behavior patterns or ways the organization has been structured.”⁷⁰ Kelman believed that most organizational change processes were incomplete because they were based upon overly simplistic tactics. He also noted, “the suggestion that people in general resist change contradicts much experience of our everyday lives”⁷¹ and that there are often those who are discontented as well as satisfied with the status quo.⁷² The approach Kelman utilized at OFPP was two tactics he coined as “activating the discontented” and “change feeding on itself.”⁷³

In activating the disconnected, Kelman argued that there are disfranchised members in most organizations, who form a core group favorable to change. This group not only makes up those who do not like the status quo, but also those who seek change by their very nature. When federal procurement reform was announced, Kelman found that there existed a group of “procurement reformers before reform began” and they were soon “joined by a second group, people who had not previously been advocates of change but became favorably disposed to giving reform a try soon after it got started.”⁷⁴

The first group, which Kelman called the “change vanguard”, consisted of those frontline employees who vocalized their discontent before reform was announced. The second group, called “early recruits” joined the change vanguard, which initiated the transformational process.

The second part of Kelman’s formula - change feeding on itself, delivers the point that once change starts the movement feeds upon itself and gathers momentum. As positive feedback occurs “a movement in one direction sets in motion forces producing further movement in the same direction.”⁷⁵ While it appears that activating the discontented is of primary importance and that once change starts it will automatically lead to success, there are pitfalls that can derail the transformation process.

⁷⁰ Steven Kelman, *Unleashing Change: A Study of Organizational Renewal in Government* (Washington, D.C.: The Brookings Institution, 2005), 5.

⁷¹ Ibid., 41.

⁷² Ibid., 6.

⁷³ Ibid.

⁷⁴ Kelman, *Unleashing Change*, 42.

⁷⁵ Ibid., 7.

Change feeding on itself does not function in a vacuum and government bureaucracies by their very nature do not facilitate innovation. For change to gather momentum and perpetuate, it requires successes; however, success does not come without risk. As Kelman quotes from Robert Behn's *The Dilemmas of Innovation in American Government*, "the dirty little secret is that innovation requires failure. The corollary is that unless an organization tolerates... failure, it is unlikely to get much innovation."⁷⁶ Tolerance needs to be exhibited for good faith attempts that fail in order to engage and consolidate forces to continue to fuel the transformation process.

E. TRAINING'S RELATIONSHIP IN THE TRANSFORMATION PROCESS

The last topic covered in the literature review is training used as a process or step in organizational change. It is by no means last because it lacks importance; it is last in this paper because of its significance and relationship to some of ICE's issues. Unfortunately, when it was stated early on that there was "considerable literature on the subject" of change management, this did not include literature on change management juxtaposed with training as a significant change agent.

Training does have a part in helping agencies implement change, but "the interrelationship between training and change management is very underexplored."⁷⁷ According to Colin Talbot there were three roles for training in organizational change. First, it's used for developing adaptive skills; second, it's used for developing adoptive skills; and third, it is used as a change agent. Adaptive skills were those new skills that were needed "to meet new or changed demands."⁷⁸ These were the skills that a person needs to technically perform their job. Below is a simple model that Talbot used to show knowledge acquisition of adaptive skills:

⁷⁶ Kelman, *Unleashing Change*, 42.

⁷⁷ Colin Talbot, "Strategic Change Management and Training Adaptive, Adoptive and Innovative Roles," *Journal of European Industrial Training* 17, no.5 (Bradford, UK: Bradford, 1993): 26. (accessed through Ebsco, 3 January 2007).

⁷⁸ *Ibid.*, 28.

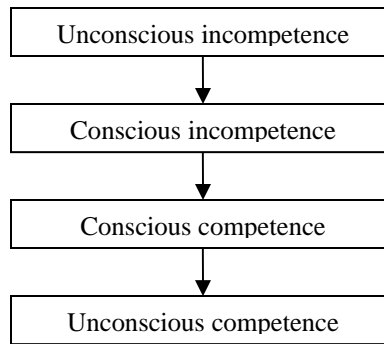


Figure 1. Individual Skill and Acquisition Model (From: Colin Talbot).⁷⁹

“Adoptive change training focuses more on the acceptance of change, getting staff to adopt new values, attitudes or behaviour in carrying out their duties.”⁸⁰ This approach is used to change or develop an organizational culture. Often both adaptive and adoptive training must be executed in near proximity to each other for training to be a successful change management intervention. However, for training to become more than a change management intervention, an added dimension is required: innovation feedback.

At the conclusion of many training sessions, participants may be typically asked to evaluate the training. This often entails questions of a logistical or creature comfort nature - was it too hot, was your chair comfortable; and of a technical nature – did the training meet your needs, was the instructor informed. These types of questions are for the trainers to refine and improve the course; however, a third opportunity exists in this process and “this is innovative feedback about the organization itself, its structures, systems, policies and procedures.”⁸¹

These kinds of issues are very often brought up and typically dismissed as noise.⁸² There are two reasons why this innovative feedback is important, especially during change management processes. First, from a practical perspective, it is often those

⁷⁹ Talbot, *Strategic Change Management*, 29.

⁸⁰ Ibid.

⁸¹ Ibid., 31.

⁸² Ibid.

doing the work that have the best suggestions. This is why involving employees to obtain their ideas is a key practice for organizational transformations.⁸³ “The second failure is psychological and cultural – management are giving a clear message to staff that innovation and ideas from below are unwelcome. In a situation of change, which management are trying to get staff to accept and own, such a message is clearly counter-productive.”⁸⁴

On-the-Job training (OJT) has typically been used for individual training objectives and often with newer employees. However, when used with a combination of other training platforms such as classroom and computer-based training it can be used to deliver cascade training. “Cascade training has been defined as the process of providing the competence required to ensure institutionalization of organizational change” as part of the change management process.⁸⁵ Change within organizations is often difficult. In one study of 294 medium-sized companies only one in five reported their change efforts as successful.⁸⁶ Starting with the “Training With Industry (TWI) effort during World War II” to quickly and effectively gear up for war production and used by Xerox and Ford in the 1980s, cascade training has proved it can be successful.⁸⁷

Although there are four different types of cascade training - hierarchical, employee role, process and project, they can be used in varying combinations. The hierarchical is the most common and is driven from the top down. Leadership learns first, then knowledge is passed down to managers, who in turn pass it down to supervisors and so on. This approach “ensures that everyone organization-wide understands the change and addresses three issues related to employee competence: (a) which tasks to keep doing, (b) which tasks to stop doing, and (c) which new tasks to begin doing.”⁸⁸

⁸³ U.S. Government Accounting Office, *Results-Oriented Cultures: Implementation Steps to Assist Merges and Organizational Transformations*, 27-29.

⁸⁴ Talbot, *Strategic Change Management*, 31.

⁸⁵ Ronald L. Jacobs and Darlene Russ-Eft, “Cascade Training and Institutionalizing Organizational Change,” *Advances in Developing Human Resources* 3, no. 4 (Thousand Oaks, CA: SAGE Publications, 2001): 496. (accessed through CSA Illumina, 3 January 2007).

⁸⁶ *Ibid.*, 497.

⁸⁷ *Ibid.*, 498.

⁸⁸ *Ibid.*, 500.

Employee role cascade training is peer-based. In government parlance it is often called train-the-trainer training. Employees with knowledge impart their knowledge to peers. “Such an arrangement makes use of the particular insights that only those in a particular role might have in adjusting to the new task.”⁸⁹

Process cascade training is cross-functional. This kind of training may be required when one position’s skills, duties or outputs are adjusted, which has an affect on surrounding positions. The surrounding positions need to be informed so that “others become aware of it and acquire the areas of competence necessary to respond accordingly.”⁹⁰

Project cascade training “follows the interconnections of groups, both internal and external to the organization, who are working in achieving the same goal.”⁹¹ This training is useful when there are stakeholders who must understand the change even though they may not be directly affected.

“Given the foundational role of individual competence on successful organizational change,” training should be key in the process.⁹² Jacobs and Russ-Eft suggest that when training is part of the process, it should achieve the following goals:

- Address the respective competence needs of the employees affected by the change, including the use of awareness, managerial, and technical training
- Use an array of training approaches that are best suited to meet those needs, including both training conducted on the job and off the job
- Be coordinated so that the training outcomes of one group are reconciled with the training outcomes of other groups

Training is not a one-stop procedure, especially when used in the context of a change management process. Organizations must ensure that the skills needed were acquired during the training. Completion of a training program is not evidence of know-how. “Ensuring that know-how transfer takes place and that the training is then put into practice in a working situation is often neglected: more probable is the assumption that

⁸⁹ Jacobs and Russ-Eft, *Cascade Training and Institutionalizing Organizational Change*, 501.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid., 501.

the new knowledge can be used somehow and sometime.”⁹³ When know-how is not transferred, its cause may be employee resistance to change, which “can be structured into three categories: personnel, organization and technical.”⁹⁴

Personnel resistance can relate to the employee, peers and supervision having doubts about the introduction of know-how. Organizational issue may arise when new techniques and know-how impact and don’t mesh with parts of the organization operating under old processes. Technical problems can result from mixing new knowledge and old technologies, “for example the know-how to use new software in an organization in which the current computers do not have enough capacity – technical resistance.” ⁹⁵ From a strategic point, leadership must be able to identify any resistance and take steps to minimize its impact.

F. SUMMARY

The literature review revealed various theories and approaches for change management. A rational model approach may involve more business-like planning, problem solving and execution, while a sociological approach may be more holistic and devoted to human interactions, internal networks and social order. The rational model approach is management centered and follows the steps enumerated by GAO’s nine key practices. This approach was used by the Department of Education, the six Australian federal agencies and others. The sociological perspective approach concentrates on factors identified as important by Mandell, Greenwood, Kirkpatrick and Ackroyd.

A rational or practical approach is often policy-based. Although this is most often used by most public organizations, it does not mean important concepts cannot be drawn from a theoretical or sociological-based approach, such as described by Greenwood and Hinings. If their heteronomous professional bureaucracy archetype was applied to ICE, it could be argued that the two disciplines of immigration enforcement and customs enforcement are distinct and specialized disciplines; therefore, the concept of one agency

⁹³ Peter Muhlemeyer and Maxine Clarke, “The Competitive Factor: Training and Development as a Strategic Task,” *Journal of Workplace Living* 9, no.1 (Bradford, UK: Bradford 1997): 4. (accessed through ProQuest, 3 January 2007).

⁹⁴ Ibid.

⁹⁵ Ibid., 8.

performing both immigration and customs missions may not be the best structure. However, Kirkpatrick and Ackroyd believe that archetype theory did not lend itself to public entities. Based upon Archer, Kirkpatrick and Ackroyd, how agencies bargain with professional groups within the agency is more important in facilitating change than attempting change by policy alone.

Kirkpatrick and Ackroyd's morphogenic theory of organization supports the practical bottom-up participative process used by Tan and Heracleous. Tan and Heracleous were successful assisting the NPF using an action research methodology. Under certain structural conditions, corporate agents in public sector can facilitate change, but not to the extent that corporate agents who have achieved institutional autonomy, such as in the law and accountancy fields. Change in public sector is more reliant on the way the agency bargained with professional groups than the power contained within the group itself. Change mandated by policy objectives often leaves public sector corporate agents uninvolved in the process. Because of this it is important to emphasize how the change is "consistent with the perceived interest of professions (or at least with those of elite groups within them)."⁹⁶

Both approaches affected the thesis. The focus group analysis was viewed through a sociological lens. As example, for successful permanent collaboration, Mandell points to five factors important to relationships. Among these factors was the commitment of members to the new organization's success. ICE used a policy-driven, practical approach to the change management and during the focus groups, evidence of commitment was sought, but was not found in any consensus. Therefore questions were then asked about the merger in an attempt to identify any practices or steps used that would have resulted in enabling commitment such as employee input or participation in the process.

As numerous GAO and other reports have shown, the merger of INS and Customs has not produced an efficient agency in ICE. ICE Special Agents do not perceive that their legacy agency interests are served in the new organization. The reorganization that

⁹⁶ Tay Keong Tan and Loizos Heracleous, "Teaching Old Dogs New Tricks: Implementing Organizational Learning in a Asian National Police Force," *Journal of Applied Behavioral Science*, Vol. 37, no. 3 (Alexandria, VA: NTL Institute for Applied Behavioral Science, 2001): 362. (accessed through CSA Illumina, 4 March 2006).

occurred under the auspices of the Department of Homeland Security has faltered on nearly each of the requirements for successful change management reviewed throughout this chapter. As mentioned previously, GAO has concluded that this failure has left the nation with a poorly executed immigration enforcement mission. According to the numerous analyses and reports by DHS OIG, the Heritage Foundation, and others, ICE's continuing organizational confusion remains the primary cause of much of the agency's problems. ICE has inherited the legacy of organizational dysfunctionality, which was prevalent in INS. The failure of the merger and reasons why, will be demonstrated in Chapters IV and V.

III. RESEARCH METHODOLOGY

A. INTRODUCTION

The purpose of the research for this thesis was to examine the ways in which the merger and organizational transformation of ICE had achieved its own aims. The literature provided reference on how successful change is achieved. Clearly, as the GAO and other reports on ICE's progress indicated, the organizational reforms had not been successful. The agency remains riddled with efficiency and effectiveness problems, and the key elements of organizational transformation have simply not been met. This research pursues in some detail one of the crucial elements of change management - the perception of employees.

To accomplish these objectives, the methodology had to gain access to the detailed experiences, views, and attitudes of ICE employees. Among the many different methodologies available to collect data are observation, documentation review, surveys, interviews and focus group. There are many reasons to choose one method over another. Observation can adapt and accurately monitor a changing milieu. However, access can be an issue, it can be time consuming and expensive and observed behaviors might be difficult to interpret.

Documentation review is often non-disruptive to operations and provides good historical information. However, it is just that – historical, and in a changing environment the data may not be accurate or relevant to the current situation.

Surveys are relatively inexpensive, easy to administer and analyze and can be used for large samplings. By their anonymity they are also impersonal and are not conducive for ferreting out beliefs that can be better elicited after developing rapport with a person, such as can be accomplished in an interview or focus group. The better of the methodologies for extracting deep-rooted feelings and beliefs are in-depth interviews or focus groups.

Interviews can be very valuable and share some of the same attributes of focus groups. After a relationship is developed between the interviewer and interviewee, in-

depth information can be obtained, but the process may be time-consuming especially if information is needed from a number of people. Focus groups have the advantage of being able to develop a rapport between the facilitator/moderator and the group, but scheduling a group may be more problematic than setting up individual interviews. In balance and for the purposes of this thesis, focus groups were chosen as the preferred medium for obtaining data for several reasons. The focus group process assists a researcher in obtaining a group view. It emphasizes group perceptions, in this instance, legacy INS and legacy Customs, which were being sought. However, in addition to the focus groups, a few targeted interviews were conducted with subject matter experts. The purpose of the targeted interviews was primarily to corroborate and expand upon some of the information obtained in the group settings.

B. WHY WAS THE RESEARCH CONDUCTED

Although previous studies and employee surveys on ICE had documented some of the issues of interest in this thesis, most were dated and they did not gather information in detail from a broad spectrum of employees. Fresh data was needed for this thesis in order to make meaningful recommendations. The mix of participants in these focus groups provided unparalleled access to key insights into the difficulties ICE leaders faced.

There were four primary objectives the research needed to achieve. First, was that it needed to validate or not validate that ICE was a cohesive and efficient organization. Secondly, was to test the thesis' core hypothesis - that the root cause for the failure to produce a cohesive and efficient organization was a failure of the change management process to merge INS and Customs. Third, was that the research needed to assess the depth and cause for the much discussed friction between legacy INS and Customs' agents. Fourth, was that commonality among agents' perceptions within a group would be found, which would assist in formulating recommendations for corrective actions.

C. HOW WAS THE RESEARCH CONDUCTED

Arizona was chosen for the site of the focus groups for practical and significant reasons. From a practical standpoint, the researcher was located in Arizona, which simplified logistics. However, more importantly there were three significant reasons that

also prevailed in selecting the location. First, Arizona is a gateway state for alien and cargo entry into the United States. It is the linchpin along the southern border that presents an enormous vulnerability to the United States for problems of an immigration enforcement and customs enforcement nature. Secondly, it is much publicized in the media that ICE and the state and local authorities have a poor relationship. Third, ICE's internal problems in Arizona are well known throughout the Department and this has resulted in ICE being unable to recruit or retain senior management. No other ICE office in the country has experienced the succession of leadership as Arizona.

With the cooperation of the ICE Special Agent in Charge (SAC) of Arizona, ICE management in Washington, D.C. agreed to allow ICE agents to participate in the focus groups on a voluntary and confidential basis. Two managers provided table of organizations (TO) for their respective offices. Prospective participants were selected randomly from the TO. Several agents who learned of the focus groups also called and asked to participate. If they matched the characteristics of the focus group participants, these volunteers also joined the interview and focus group activities.

From a pool of approximately 245 ICE agents in Arizona, a total of 38 agents participated. The plan was to solicit six to eight volunteers for each of five groups, with a representative sampling of males and females in each group and to include agents from the ICE offices in Phoenix, Tucson and Yuma.

The response from legacy INS supervision did not reach the ideal number of participants. Approximately 60% of the ICE agents in Phoenix were legacy INS agents. However, at the supervisory level, legacy INS agents held only 36% of the supervisory positions and statewide, legacy INS accounted for only 12% of the management positions. This phenomenon proved slightly problematic in soliciting from legacy INS supervision – there simply were not enough legacy INS managers in Arizona for a full six to eight person group. However, in general the responses and requests to participate from the legacy employees, especially non-supervisors, were overwhelming and those groups were artificially sealed at twelve participants each.

Average phone contact time to explain the study and solicit volunteers was 8 minutes per call with several calls lasting 15 to 20 minutes each. A few calls reached agents that would be out of the office on training or annual leave during the time the focus groups were scheduled to convene. Typically, the agents that could not attend still wanted input into the process and have their opinions heard. These phone contacts lasted approximately 30 minutes.

Because evidence pointed to conflict between legacy INS and Customs groups, it would have been difficult to blend legacy groups and still create an open and trusting atmosphere conducive to frank discussion in a focus group setting. Therefore, segregated focus groups along legacy agency affiliation were formed to provide insight into the individual group's shared understanding of various issues. The insight and information obtained as a result of the interaction between the participants was vital for understanding the root cause of the issues explored by the thesis. The participants were also divided into non-supervisor and supervisor groups. The participants of each group were confidential and known only to those within a group.

The focus groups consisted of five homogeneous, distinct groupings. They included:

- Group One consisted of legacy Customs non-supervisors
- Group Two consisted of legacy INS non-supervisors
- Group Three consisted of legacy Customs supervisors
- Group Four consisted of legacy INS supervisors
- Group Five consisted of ICE new hires

The focus groups were conducted in Phoenix, Arizona from July 25, 2006 through July 27, 2006.⁹⁷ Upon arrival at the venue, the participants were greeted and basic introductions were made of the moderator and note-taker. The focus group process and background information was provided to the participants. The participants completed a personal data card that requested the following information on each participant: sex, legacy agency, number of years at legacy agency, pay grade and age bracket. A comments section also appeared on the bottom of the data card.

⁹⁷ The venue for the focus groups was Arizona's backup state Emergency Operations Center located at Arizona State University, Mesa, Arizona.

The interaction between the participants helped them to evaluate and reconsider their positions, which led to an emphasized group view – a hallmark advantage to the focus group methodology. Using a focus group methodology for this study resulted in a synergy from the group dynamic that exposed attitudes, feelings and beliefs of ICE’s sub-cultures, which yielded the empirical evidence sought.

Important issues raised during the focus groups were later corroborated by targeted one-on-one interviews with SMEs. Other interviews were conducted to demonstrate that the thesis problem is universal and not just at the location of the focus groups. The interviews were of both legacy INS and legacy Customs individuals located predominantly in larger field offices, at ICE Headquarters in Washington, D.C. and at the Federal Law Enforcement Training Center in Glynco, Georgia.

D. FOCUS GROUP COMPOSITION

Most everyone that was approached to volunteer for the focus groups agreed to participate, except for one agent, who provided no reason, and a few agents in training, on annual leave or those with prior operational or court commitments. The composition of each focus group had similarities as well as differences. The ratio of male to female participants was similar and the pay grades of participants was similar. However, the number of years the participants were at their legacy agency and the participants’ ages were significantly different. Legacy INS participants tended to be older and had more years of service at INS than the legacy Customs participants had at Customs.

Table 1 identifies the focus groups and compares their basic characteristics: the group’s participant with the least number of years at the legacy, the group’s participant with the most number of years at legacy agency, the group’s average for the number of years at a legacy agency, the pay grades of the participants, the pay grade most represented within a group, the participants’ age bracket and the age bracket most represented within a group. The age brackets were: 27 – 32, 33 – 38, 39 – 45, and over 45.

In the non-supervisory focus group for legacy Customs, the participant with the least amount of Customs time before the merger had 6 months experience. In the non-supervisory focus group for legacy INS, the participant with the least amount of INS time before the merger had 5 years experience.

In the supervisory focus group for legacy Customs, the participant with the least amount of Customs time before the merger had 13 years experience. In the supervisory focus group for legacy INS, the participant with the least amount of INS time before the merger had 25 years experience.

In the non-supervisory focus group for legacy Customs, the participant with the most amount of Customs time before the merger had 7 years experience. In the non-supervisory focus group for legacy INS, the participant with the most amount of INS time before the merger had 21 years experience.

In the supervisory focus group for legacy Customs, the participant with the most amount of Customs time before the merger had 20 years experience. In the supervisory focus group for legacy INS, the participant with the most amount of INS time before the merger had 31 years experience.

In the non-supervisory focus group for legacy Customs, the average amount of Customs experience before the merger was 2.9 years. In the non-supervisory focus group for legacy INS, the average amount of INS experience time before the merger was 15 years.

In the supervisory focus group for legacy Customs, the average amount of Customs experience before the merger was 16.3 years. In the supervisory focus group for legacy INS, the average amount of INS experience time before the merger was 28 years.

The pay grades represented in the non-supervisory legacy Customs group were GS-12 and GS-13.⁹⁸ The pay grades represented in the non-supervisory legacy INS group were GS-11 and GS-13. Most participants in both non-supervisory legacy INS and non-

⁹⁸ “GS”, followed by a number from 1 through 15, represents General Schedule. The GS pay scale is one type of pay scale used by the Federal government. The scale runs from 1 through 15.

supervisory legacy Customs groups were GS-13. The pay grades of all participants in the supervisory legacy Custom group were GS-15. The pay grades for participants in the legacy INS group were GS-14 and GS-15.

Both non-supervisory groups had representation in the age brackets of 27 – 32, 33 – 38 and over 45 years. The majority of legacy Customs participants were between 33 and 38 years old. The majority of legacy INS' participants were over 45 years old.

Supervisory legacy Customs participants had representation in the age brackets of 39 – 44 and over 45 with most of the participants between 39 and 45 years old. All supervisory legacy INS participants were over 45 years old.

The new hires did not have legacy time to report. The participants represented pay grades 11 and 13, with grade 11 being the most represented. The age brackets of 27 – 32, 33 – 38 and 39 – 44 were represented by the participants, with the 27 –32 bracket having the greatest representation.

In summary, comparing the combined characteristics of non-supervisory and supervisory legacy Customs groups to the combined characteristics of non-supervisory and supervisory INS groups the following information is obtained. Prior to the merger, legacy INS agents had approximately twice the length of experience with INS than the legacy Customs agents had with Customs – 21.5 years at INS to 9.6 years at Customs. Legacy Customs participants were on average at a higher pay grade than legacy INS participants. Legacy Customs participants were on average younger in age than legacy INS participants.

Group Composition	Least No. Of Years at Legacy Agency	Most No. Of Years at Legacy Agency	Average No. Of Years at Legacy Agency	Pay Grades Of Participants	Most Frequently Participating Pay Grade	Age Brackets Of Participants	Most Frequently Participating Age Bracket
Legacy Customs Non-Supervisor	.5	7	2.9	12, 13	13	27 – 32 33 – 38 45+	33 – 38
Legacy INS Non-Supervisor	5	21	15	11, 13	13	27 – 32 33 – 38 45+	45+
Legacy Customs Supervisor	13	20	16.3	14, 15	15	39 – 44 45 +	39 - 44
Legacy INS Supervisor	25	31	28	14, 15	14, 15	45+	45+
ICE New Hires	N/A	N/A	N/A	11, 13	11	27 – 32 33 – 38 39 – 44	27 – 32

Table 1. Focus Groups' Characteristics

IV. RESULTS AND ANALYSIS

This chapter reports and analyzes the focus group discussions within the context of the primary theoretical issues identified earlier in the literature review. For example, the focus groups identified a number of critical issues of concern, such as the lack of communication in the merger process. Looking to the literature, a communication plan in the merger process is critical to successful mergers and transformations. Therefore, the lack of communication contributed negatively to the change management process and negatively affected the desired end result of a successful merger.

This analysis is divided into Chapters IV and V. Chapter IV deals with the agency issues of mission and priorities, resources, type of work and agency efficiency and the personal issues of stress and tension, self-image and morale. Chapter V deals with the merger process itself.

A. INTRODUCTION

As shown in the literature review in Chapter II, development of a sound change management strategy involves several key activities or dimensions: the degree of autonomy in the workforce, private entity versus public agency, the criticality of services provided and the need to time incremental change in order to continually deliver services are all considerations for business and government leadership. In the following paragraphs, the results of the focus groups show how ICE line employees, first line supervisors and second line managers perceived and understood ICE's efforts in each of these strategic change areas.

There were several themes contained in Chapter II, which could be used to form a successful strategy for change management. Some were theoretical, while others were more practical. Government publications, specifically by the GAO, analyzed private and public sector transformations and detailed key recommended practices for government entities to employ in order to bring a successful merger to fruition. Additionally, several examples were found in the literature review of organizations that failed at a transformation process. The lessons learned from these cases indicated that failure occurred because they did not empower employees through involvement in the process,

they lacked clear decisions and goals, executive management did not take an active leadership role, they did not have a solid communication plan, they lacked sufficient resources and they lacked the core competencies to execute change.

Common themes taken from the literature concluded that among the several steps critical for a successful merger were a clearly stated mission and priorities, employee involvement, direct leadership's involvement in driving the process through a dedicated team accountable for progress and well-planned and clearly delivered communications. A critical element found for transforming public service agencies and those organizations having different cultural values, was that slow, deliberate, timed steps were needed to insure that there were no lapses in organizational functionality.

All participants in the focus groups, regardless of their legacy affiliation, strongly believed that ICE management failed to address the common themes found in the literature. Most of the participants had pent up frustrations over the merger process and its outcome. Since they had no involvement in the process and had no opportunity to formally express them to date, most participants had difficulty staying on topic and their comments typically exemplified this phenomenon.

The participants believed that there was no employee involvement, no communication strategy, and no dedicated management team – in fact aside from one participant naming the head of the agency, no other participant was able to clearly name the individuals responsible for driving the process. There was poor leadership, no management accountability, no coherent mission, undefined then changing priorities and no strategy – which to this very day ICE does not possess. The merger was not adequately planned and it was not adequately funded. From a general observation on how the change management process unfolded in the eyes of ICE employees, every sin that could have been committed during the merger process by ICE leadership had been committed.

B. AGENCY ISSUES

This section provides a current snapshot of the focus group participant's beliefs regarding a number of issues affecting ICE as an organization. They are Mission and Priorities, Resources and Type of Work and Agency Efficiency.

1. Mission and Priorities

The research literature on change management clearly identifies a need to have a clear mission with established priorities and goals. GAO stated that one of the most significant challenges faced by INS, which has continued to haunt ICE, was a lack of a clear mission and clearly defined priorities and goals. Conner and Meyer provided empirical evidence pointing to the lack of clear decisions and goals as being one of four reasons that organizations fail to transform.

Widespread among these focus group participants was an overarching belief that the organization's mission is unclear and that the priorities change very frequently, but that the mission and priorities pertain in some manner to illegal aliens. A legacy Customs non-supervisor said, "ICE's mission is officially to prevent the next terrorist act, but that is an oxymoron because we don't investigate terrorism, it is in the sole jurisdiction of the FBI. Everything we do is for show, politics and press releases. Kiddie porn cases are done like fast food investigations so Assistant Secretary Myers can look like a deer in headlights at a press conference. We get notified that the President is going to do a press conference on a bunch of predators' arrests and we had to have everyone arrested before the conference. The numbers are all inflated for show."

Another legacy Customs non-supervisor stated,

The major priorities are worksite enforcement, fraud docs and human smuggling. Aliens are involved in everything we do. Ninety percent of the work during duty week is admin. Duty week is all about aliens and it takes a lot of time to clean up duty week when you go back to your regular group duties.

Others found the priorities vague and constantly changing, but that they were also related to aliens. The consensus of the legacy INS non-supervisor group was that ICE had a general mission to protect the United States, but the mission was vague in specifics. One participant said, "it is not clear what the priorities are because they change continually. However, in general, the priorities pertain to the alien threat." Notwithstanding a realization that ICE's priorities somehow relate to an "alien threat" the participants believe that ICE is currently 60% as efficient as INS in performing immigration enforcement.

Not surprising, the legacy Customs supervisors believed that ICE's core mission is illegal Aliens. As a participant said, "if a UDA is not attached, it won't get worked. The public is being harmed by this policy. What's more important, to arrest and remove an alien who'll come back in the next day or work a case involving a company importing substandard bolts that'll be used to build a bridge, or drug traffickers bringing in 30 tons of cocaine?"

Another legacy Customs supervisor added, "we have just about closed down child exploitation. We now do reactive INS work. The long proactive cases are gone. When you call HQ they'll only talk to you if it relates to an alien. During duty week, why aren't there enough legacy INS to handle the UDA calls?"

The legacy INS supervisors were in agreement that immigration issues were center stage, but said that the mission was unclear and priorities changed rapidly. One participant said, "there are no clear-cut goals, we are floundering. Clearly immigration is one of the bigger things now, dope is a big issue – it's all politically driven." Another participant said, "everything is a priority and nothing is coordinated at the HQ level before sending it to the field. Special projects come out frequently." The participant noted that five special projects were currently in operation, which when mandated did not allow time for proper realignment of resources by field managers.

Despite coming from different agencies, having vastly different years of experience, and holding distinct positions of authorities, all the participants including new hires agreed that there was no clear mission and priorities changed often. The new hires said that the mission was unclear and that priorities continue to change, but that the workload was 75% administrative and pertaining to undocumented or out-of-status aliens.

2. Resources

As various researchers have concluded, one of the main reasons that transformations fail is that the capacity for change was underestimated. The legacy Customs and new hire participants believed that ICE did not have the resources to be successful. The legacy INS participants believed that although additional resources could be used, they currently had more resources at their disposal than before.

The legacy Customs non-supervisors believed that there was less manpower and resources for legacy Customs groups. One participant noted that “pre-DHS, we needed more agents, nothing more. We had money. We had equipment. We had a better structure, we now have chaos. We used to be able to have long-term investigations, now we are reactive. We are now like fireman waiting for a fire to put out. Since DHS it is now beg, borrow, and steal.”

The legacy Customs supervisors believed that ICE’s funding was insufficient. One participant in agreement with the perceptions of the legacy Customs non-supervisor group said, “we never had that problem [funding] in Customs. And we hate that Border Patrol takes from the asset forfeiture fund. Customs used to generate money. Immigration costs money. Now there is no funding for Customs operations. There is no money in immigration work, we get junk assets and we have to house aliens.”

The new hire group’s perspective was slightly similar to the views expressed by the legacy Customs groups. A participant said, “in-house shared services with CIS to get A-files, personnel issues, working with Air and Marine are big problems.” In general, the group believed that the work was overwhelming for the resources present. Another participant said, “we are under-resourced and need more agents.” Specifically addressing DRO as a resource, one participant said, “as of late, DRO and OI’s relationship has gotten better, but still has a long way to go.” All of the groups except the legacy INS supervisors shared the belief that DRO was not a reliable resource for ICE.

The legacy INS non-supervisors agreed with legacy Customs that Customs was better organized and had more resources than INS. They believe that ICE is better structured than INS and that resources are equitably provided to the field. In INS, getting resources was based more on personal relationships with INS HQ staff. Said one participant, “there are many things working better. We have more authorities like with seizures, better command structure, more defined articulated methods for budgeting and getting resources – we are more professional. Getting resources in INS was very informal, depending upon who you knew at HQ. ICE has more individuals in HQ than INS, responsible for specific areas. INS had one person to juggle 3 hats; we now have experts that go to specific programs. ICE has a better structure than INS.”

Similar to the new hires, the legacy INS non-supervisors believed shared services were somewhat of a problem. According to one participant's statement, which received group consensus, "we no longer have full access and can't get files or information contained in CIS or DRO maintained databases. CIS won't recognize our 287G task force officers and won't give them any information, saying that they are not DHS employees. We can't work immigration enforcement cases without access to this info." As a group they also believed that DRO was not responsive to OI's needs.

The legacy INS supervisors agreed with the legacy INS non-supervisors that resources were better now than they were with INS, particularly in Phoenix because operational commitments to Ice Storm forced the integration of INS and Customs resources. Also similar to the legacy INS non-supervisors, the supervisors believed some shared services, such as air support were problematic, but other resources were available. The legacy INS supervisors differed in view from all of the other groups in their belief that relationships with DRO were not an issue. As one supervisor said, "Phoenix is well known nationally as the 3 musketeers, 3 amigos – SAC, DRO and OPLA [legal counsel],⁹⁹ they work as ICE and we are cooperating very well."

The difference of opinion on resources is understandable. Legacy Customs had a different mission than legacy INS. Customs generated much more money than INS by collecting duties and taxes. As an income producer, they were well funded. INS collected some user fees, but their efforts paled in comparison to Customs. INS agents were accustomed to working with minimal resources. The structure that Customs brought to ICE and ICE's resources is an improvement from INS' structure and resources.

3. Type of Work and Agency Efficiency

An organization's efficiency results from the proper allocation of resources to address goals. GAO found that ICE had challenges in whom to coordinate with, when to coordinate, inadequately defined roles, poor organizational alignment, ineffective use of resources and a lack of adequate performance measures. The researchers concluded that an appropriate change model must be present for a successful transformation. This

⁹⁹ "OPLA" means Office of Principal Legal Advisor. OPLA provides legal advice, training and services to support Immigration and Customs Enforcement.

change model must include interim, attainable goals that can be realized early on to demonstrate success. With early, demonstrable successes, change will gather momentum and drive a transformation.

The legacy Customs non-supervisors believed that a lack of continuity with management was problematic. Said one participant, “some SACs booted out agencies, didn’t want to work with them and over time this deteriorated relationships. Management made decisions that prevented cooperation with investigations that would have benefited us and another agency. We were told – ‘we don’t do that anymore.’”

The legacy Customs non-supervisors believed that management was not accountable to ICE HQ. Said one legacy Customs non-supervisor, “protocols and policies are made up on the fly and change at the whim of the manager. Three years after the merger and we still have no final policies, no new position descriptions. We went two years without ratings and we have unknown standards. They have violated OPM policies and nothing is done. Those nationwide protocols and policies that we do have are violated in favor of locally decreed ones.”

Legacy INS non-supervisors believed there was poor organizational alignment to the work. One participant said, “the ICE SAC and management enforces Customs’ way of doing things, but neglects the immigration enforcement process. With Customs it is drugs, drugs, drugs, kiddie porn, strategic, drugs. HQ’s forcing immigration priorities, but SACS are fighting it. How do you account for 3 groups working drugs and one group working alien smuggling? This is the opposite of what it should be in the SAC offices according to what the Assistant Commissioner, the White House and ICE HQ says, but no one holds the SAC accountable. How is anything going to change?”

Another legacy INS non-supervisor seconded this theme. He said, “the Table of Organization and Group Structures in the SAC offices must mirror the priorities and resources distributed as priorities dictate. Where is worksite enforcement? Where is human trafficking? The White House, DHS Secretary and Assistant Secretary have said these are top priorities, yet you have SAC offices with no worksite groups or one ASU

group and 3 weed groups. I thought Assistant Secretary Garcia said we weren't DEA. How can the SACS ignore HQ? No one has reorganized groups. We still have legacy Customs groups – 3 years after.”

According to a legacy Customs supervisor, “a dime dope bag off the street is better than an INS case.” Another participant said, “we are doing terrible administrative cases. We have 8 groups. 1.5 groups do customs work and 6.5 groups are reactive to immigration work. We got the worst of both agencies. The scope of work - Customs and INS, is too much for 1 person.”

The legacy Customs supervisors also believed that there were alignment issues with other DHS entities. One participant's view, which was a consensus viewpoint between both legacy Customs groups, was that “Border Patrol should be subservient to OI. The design is flawed. There are no uniforms over detectives in the real world. OI should drive everything. Look who we have running BP – a guy with an associates degree. Every Customs agent is intellectually superior to him.”

The legacy INS supervisors believed that much of the work done in the field is stove piped within divisions. A shared belief with the legacy INS non-supervisors was that offices staffed predominantly with legacy Customs, failed to re-align their staffs to HQ priorities and that the management was not accountable to HQ. One participant stated that “you have 30 ICE agents in Nogales. Three years into the merger and not a single one of them knows how to process, IDENT¹⁰⁰ or ENFORCE¹⁰¹ an alien. They have maintained their Customs mission, priorities and direction. They had training but didn't listen because they had no intention of ever doing immigration work and their managers weren't going to make them. Same thing Douglas. And you call their managers in Tucson and they tell you have DRO bring them [UDAs] up to Tucson and give them to Group 5 – the 5 or 6 legacy immigration agents left in Tucson.”

¹⁰⁰ “IDENT” means the Automated Biometric Identification System. IDENT is a biometric identification system designed to quickly screen aliens using biometric or other unique identification data. IDENT was a legacy Immigration and Naturalizations Service system that was integrated with ENFORCE and is now used primarily by Customs and Border Protection and Immigration and Customs Enforcement.

¹⁰¹ “ENFORCE” means Enforcement Case Tracking System. ENFORCE is an integrated event based tracking system that is used to track and manage enforcement cases, such as alien apprehensions. ENFORCE was a legacy Immigration and Naturalization Service system that is now used primarily by Customs and Border Protection and Immigration and Customs Enforcement.

The new hires said that not getting consistent answers to issues that arise are a large problem. One participant stated, “it depends if you ask a legacy INS or a legacy Customs person – that’s when you can get someone to answer you or give an opinion. No one wants to rock the boat. One supervisor tried to stand up and help us and he was shot down. He quit. We need trained supervisors. There is a lack of policy and bad management.”

Lack of management accountability and poor office alignment to the priorities are serious issues and are two themes that resonated throughout the groups. First, was that management lacked accountability to ICE HQ. Second, was that there was poor organizational alignment to the work. While the groups agreed that there was a problem with organization alignment, their opinions differed why it was problematic. The legacy Customs participants believed that ICE de-emphasized traditional Customs-related work. The legacy INS participants believed that the field office had not aligned work groups to HQ dictated priorities and still maintained Customs-related work groups. Although the groups’ opinions differ, they are both accurate. The office is predominantly structured around a Customs mission, but much of the work being done is immigration enforcement related. This is not efficient and explains the observations by the legacy INS agents that ICE is 60% as efficient as INS in immigration enforcement.

C. PERSONAL ISSUES

This section provides information on issues of a more personal nature to the focus group participants. They are Stress and Tension and Self-Image and Morale.

1. Stress and Tension

The words stress and tension are at times used interchangeably; however, for purposes here, they refer to two different things. Workplace stress is produced by a number of issues and occurrences. The change management process in connection with a merger or transformation is a natural stressor. With change management comes fear of the new or unknown. Feelings of insecurity and vulnerability cause stress. Unclear or lack of communication, absence of leadership, an uncooperative atmosphere and general imbalance in the workplace cause stress. All of these types of stressors have an accumulative affect, which can manifest as tension in the workplace amongst employees and between employees and the agency.

The focus groups provided their reasons for the presence of tension. The most significant issue cited by three groups as causing interpersonal tension was the promotion of legacy INS agents. The merger of INS and Customs into ICE created pay parity discrepancies between legacy INS and legacy Customs agents. Journey agent grade at INS was GS-12, while journey grade at Customs was GS-13. To achieve pay parity, all ICE journey agents became GS-13s.

The legacy Customs non-supervisors and supervisors alike shared great animosity and resentment towards legacy INS agents, who they believe were not entitled to pay grade increases. The perception was that legacy INS agents were educationally inferior to legacy Customs agents. Said one non-supervisor legacy Customs participant, “there is tremendous tension between legacy Customs and legacy INS agents. The work gets done, but morale is terrible. The tension has leveled off, but it is real. I resent that I had to go to college, and then I went to the academy, another opportunity to fail out of this job. And these guys had a magic wand waved over them and they’re 13s. They didn’t even have to go to CITP.¹⁰² My understanding is a GED was enough to be hired by INS, and here we are.”

The legacy Customs supervisors agreed with the non-supervisors. One participant said, “the tension and morale problems are bad. You just can’t hold the INS agents accountable. Customs and INS had different work practices. You have one or two high performing legacy INS agents amid all high performing Customs agents. Legacy INS agents have a terrible work ethic and they got their 13s.”

The legacy INS non-supervisors agreed with the legacy Customs groups about the cause of the tension. As one participant said, “we had no idea that there was such animosity and hatred of INS by Customs. I always viewed them as partners, but the feeling was not mutual. They have such an air of superiority. They were GS-13s, we were GS-12s. We are now told we were substandard and are substandard because we did not earn our grades.” The group believed that this source of tension could have been minimized by action prior to the merger. A participant stated, “the culture clash could

¹⁰² “CITP” means the Criminal Investigator Training Program. CITP is a basic training program for criminal investigators at the Federal Law Enforcement Training Center that many newly hired federal agents attend.

have been minimized if INS and Customs management was better integrated into ICE. It was all we heard, Customs, Customs, Customs. This worsened the culture clash. Where are the ADDIs¹⁰³ in ICE management? ICE could have worked from inception if grade parity existed and INS management had equal footing with Customs management, but competitive INS managers were removed one way or another.”

The legacy INS supervisors and new hires agreed that tension exists, but did not cite pay parity as the cause. Legacy INS supervisors believed that there was tension only because management tolerated it. According to one participant, tension is “very adversarial within OI. If we can learn to respect each other’s backgrounds then it is a positive meld. However, that respect must come from the top down. You can’t have legacy-addicted people in charge. The answer to their stubbornness shouldn’t be a reward.”

The new hires had a unique perspective on this tension. From an outsider’s view as a new agent their indoctrination into ICE at the Federal Law Enforcement Training Center (FLETC)¹⁰⁴ was a prognostication of what they would later experience in the field. With group consensus present, one participant commented, “training at FLETC in 2004 and 2005 was the same. In training, we had to sit around and listen to disgruntled legacy Custom agents bad mouth INS and everything that happened. We had all Customs instructors and they were not good role models. They complained that they were stuck there because of the merger and wanted to be transferred out. They haven’t mellowed out. There are 2 sides to the office.”

It is clear that tension is present. However, why it exists to the extent it does, is the question. The merger is approaching the four-year anniversary date in March 2007 and the pay parity issue in itself is believed to over-stated. The real culprit behind continuing tensions between legacy agents is a result of failed change management.

¹⁰³ “ADDI” means Assistant District Director for Investigations. The ADDI was the management position responsible for the Investigations Division. An ADDI was located at each of the 33 Immigration and Naturalization Service District Offices.

¹⁰⁴ The Federal Law Enforcement Training Center is located in Glynco, Georgia. FLETC provides all levels (basic to advanced) of law enforcement training to employees at more than 80 Federal agencies.

A failure of the merger plan to adequately address critical practices, which would have lessened stress, created a fertile environment for misplaced tension and hostility to grow. Current tension and hostility between legacy agents was caused by the failure to reduce stress during the merger and continues to present. If the legacy agents were vested in the merger process, the issues creating stress would have been mitigated and the current level of tension would be considerably less than exists today. The literature provides much better insight as to the reasons for the prevailing relationship between legacy components.

Employing GAO's key practices would have mitigated the issues that caused stress during the change management process. Fear of the unknown is diminished when a coherent mission, and clear principles and priorities are communicated to employees. Having top leadership driving the transformation through a dedicated team in a transparent manner serves as a calming influence during times of change. Involving employees in the transformation process and use of employee's ideas would have deterred feelings of insecurity and vulnerability. GAO found that communicating and reinforcing the mission gave employees a sense of where the organization was going and facilitated them in finding their niches within the new organization.

The researchers held that a permanent collaboration, such that is needed for a successful merger, involved a commitment to common goals. Commitment is more easily achieved when participants perceive that they have influence in goal setting or at least in the process of how goals are to be achieved. This means that employees need to be included in the change management process.

2. Self-Image and Morale

Self-Image as an ICE agent and employee morale are extremely low. Many participants were counting days to early retirement or actively seeking new employment. A significant number of legacy INS agents have already transferred to positions in DRO and a significant number of legacy Customs agents stated that they are looking for employment outside of ICE.

A legacy Customs non-supervisor expressed concern over lack of a grievance process and no opportunities for transfers to other offices. Contrasting current conditions

in ICE to what conditions were at Customs, one participant said, “in Customs they were fair and you had opportunities. Now there is no grievance process. We are told there’s the door if you don’t like it.” During a group discussion of lower pay grade opportunities at other agencies, one participant quipped “I am not looking for light at the end of the tunnel. I am looking to get out of the tunnel.”

In discussing professionalism, another legacy Customs non-supervisor advised, “management must lead by example and there is no professionalism at the management level. Management acts like it is a personal affront to want a TDY¹⁰⁵ or transfer out of Phoenix. They say no one is leaving, but SACs themselves don’t stay. Management rules by intimidation and they are not accessible and there are no grievance procedures. Lower level management and supervision refuses to forward requests up through the chain of command and our local policy is different than HQ policy.”

On professionalism and grievance procedures, a legacy INS non-supervisor again referenced accountability, a theme found in a prior section, when he said, “there needs to be accountability. Unprofessionalism cannot be tolerated. The buck has to stop at the SAC. There is too much unequal treatment of Customs versus Immigration. There is nowhere to forward complaints or suggestions to change things. The attitude needs to change from the top. From HQ to the SACS to the DSACS¹⁰⁶ to the ASACS¹⁰⁷ to GSs.¹⁰⁸”

The legacy INS participants said that they are continually demeaned when they hear legacy Customs agents refusing to perform INS enforcement work because it is not real criminal enforcement work. One legacy INS non-supervisor said, “we hear from the legacy Customs SAC, DSAC, ASAC level ‘we’ll be a lot better off when we get rid of this immigration shit,’ but they miscalculated how big an issue immigration is. Legacy

¹⁰⁵ “TDY” means Temporary Duty. TDY is typically a short-term reassignment away from an employee’s permanent duty station.

¹⁰⁶ “DSAC” means Deputy Special Agent In Charge. A DSAC is typically a third line supervisor at Immigration and Customs Enforcement.

¹⁰⁷ “ASAC” means Assistant Special Agent In Charge. An ASAC is typically a second line supervisor at Immigration and Customs Enforcement.

¹⁰⁸ “GS” without a dash and number (e.g. GS-1) means Group Supervisor. A GS is typically a first line supervisor at Immigration and Customs Enforcement. GS with a dash and number typically indicates a salary point on one type of Federal pay scale.

Customs says they cannot lower themselves to do immigration enforcement. Had we had an equal INS management footing with start up, we would not have as many problems now.”

The legacy Customs supervisors believed that the work ICE does is degrading. Said one participant, “we are doing terrible administrative cases, which are reactive to immigration work.” Another participant expressed, “ICE must be a standalone agency, away from FPS¹⁰⁹ and DRO.”

The legacy INS supervisors expressed the same concern over the lack of respect that was expressed by the legacy INS non-supervisors. One participant stated, “we still feel like a stepchild. If people don’t respect what you do and treat you in a subordinate manner and you’re treated as a second-class agent, supervisor or manager because of your background, you’re diminished.”

Non-supervisor groups and the new hires had consensus on the need for a grievance process. The theme of accountability again resurfaced as a new hire advised, “Assistant Secretary Myers signs policy memos and the SAC doesn’t follow them. This place is run by a culture of fear. There are no processes in place. There are no avenues for redress. Management won’t agree to meet with you. There is no accountability to HQ from the local offices.” A second participant offered, “we need to be our own entity and not defined by others. We need to be more like the FBI¹¹⁰, ATF¹¹¹, and Secret Service. We need to market and forge an identity.”

The groups were in consensus that self-image and morale were debilitating issues to the functioning of ICE and accountability was a prevalent theme. The lack of a grievance process was only cited as important by the non-supervisors and there were differences in the beliefs between legacy INS and legacy Customs agents. Both legacy INS non-supervisor and supervisor groups voiced a previously heard theme that explained morale issues – lack of respect from legacy Customs regarding immigration

¹⁰⁹ “FPS” means Federal Protection Service. FPS provides law enforcement and security service to Federally-owned and leased facilities. FPS was a subcomponent of the General Services Administration and became one of the 22 agencies that merged to create the Department of Homeland Security. FPS became a subcomponent of Immigration and Customs Enforcement.

¹¹⁰ “FBI” means Federal Bureau of Investigation.

¹¹¹ “ATF” means Bureau of Alcohol, Tobacco, Firearms and Explosives.

enforcement. Legacy Customs supervisors provided credibility to the legacy INS participant's perceptions, when they said that immigration enforcement work is degrading.

As observed by the new hires, ICE needs a new identity. Low self-image and poor morale are counterintuitive to forming a new culture and creating a new identity. A properly executed change management plan would have left the workforce with high self-image and high morale. The researchers provided many steps that were integral to the process, which would have resulted in higher morale such as management accountability, listening to employee suggestions and communication.

D. SUMMARY

A clearly defined mission, stable priorities, sufficient resources and proper organizational alignment to the priorities are important themes to successful change management. While stress and tension will be present during a merger, a properly developed and executed change management plan will mitigate the affects and develop a workforce with high self-image and high morale.

The focus group participants believed that there was no defined mission or priorities; however, there were differences of opinion whether sufficient resources were present. Legacy Customs participants came from a revenue-generating agency that was able to provide adequate resources for a clearly defined mission. They along with the new hires did not believe that ICE had the necessary resources. Legacy INS participants came from an agency that was under-funded and under-staffed. Legacy INS participants found ICE to better organized with better resources than INS.

There was one noticeable difference in the perceptions of in-house and shared services between legacy INS supervision and all other focus groups. While the legacy INS supervisors admitted to some shared services being problematic, they believed that there was a good working relationship with DRO. A possible explanation is that supervision is too far removed from working contact with DRO and therefore their perception is slanted by developed supervisor-to-supervisor relationships that are not mirrored at the working level.

The lack of accountability and poor organizational alignment were two themes that resonated with all groups. The legacy groups agreed that there was poor organizational alignment. Legacy Customs believed that Customs-related work was de-emphasized in favor of immigration-related work. Legacy INS believed that the work groups were structured for a Customs mission, which sacrificed immigration work. Both groups were accurate in their perceptions. The office structure is predominantly structured to efficiently execute a customs enforcement mission, but the work is largely related to an immigration enforcement mission. This has resulted in ICE being 60% as efficient as INS in immigration enforcement.

Three focus groups said that providing pay equity to legacy INS agents caused significant stress and tension. Both legacy Customs groups and legacy INS non-supervisors believed this to be true. Legacy INS supervisors agreed that stress and tension were present, but for different reasons. The legacy INS supervisors believed that the issue was only present because management tolerated it and evidence offered by the new hires supported this belief. It is clear that stress and tension still exists. However, the merger occurred four years ago and the underlying cause for the current stress and tension stems from a faulty change management plan that exacerbated the issue. A properly executed plan would have included key practices such as involving employees in the process and a sound communication strategy, which would have mitigated stress and tension.

Stress and tension affects self-image and morale and they are directly linked. All of the focus groups believed that self-image and morale were debilitating issues affecting ICE efficiency. The legacy INS participants believed stress and tension were caused by legacy Customs agents demonstrating contempt for immigration enforcement and showing disrespect for legacy INS agents. This in turn greatly lent to poor self-image and morale problems among legacy INS participants. Customs supervisors were alone in the belief that immigration work was demeaning and a cause of poor morale. All non-supervisor groups believed that a lack of grievance procedures injured morale. As noted by the new hires, ICE needs a new identity and this can be done by creating a new culture. The themes found in the literature to increase morale were management accountability, listening to employee's feedback and setting clear expectations – all issues raised by the focus groups.

V. MAKING MERGERS HAPPEN

The previous chapter analyzed data from the focus groups against themes found in the literature to obtain a contemporary perspective of the merger outcome. This chapter uses the focus groups' data to look back and specifically pinpoint what parts of the change management process failed. The literature's important themes are still relied upon; however, this chapter is more retrospective in its analysis. An example of this can be found in examining accountability. Accountability was often mentioned in Chapter IV as a continuing issue of concern, affecting agency efficiency, organizational alignment, stress, tension, self-image and morale. In this chapter, accountability is discussed primarily in terms of the merger process.

A. INTRODUCTION

Executing a merger is difficult in the best of situations. However, the merger of INS and Customs is not one of those situations. INS and Customs had different structures and two vastly different cultures were present. They each had immensely different missions, priorities, policies and procedures. Severe budgetary constraints posed enormous obstacles for the merger. Pay, grade and position inequities were present from journey level through senior executive leadership. Continuity of executive leadership was in doubt and that doubt continues as the agency head had been unable to secure senate confirmation. With these issues and more present, ICE should have followed a merger plan that addressed the critical issues identified by the researchers. GAO provided ICE with basic implementation practices identified for federal agency mergers and transformations, but they were ignored.

Many practices identified by GAO are cross-referenced in the academic literature, such as top leadership driving the transformation through a dedicated management team that is held responsible for executing the plan through a performance management system. Researches cited the criticality of obtaining employee input, keeping employees informed by establishing a strong communications plan and the need for a coherent, clearly defined mission, with implementation goals and a timeline to build momentum and show progress.

How many of these critical practices did ICE employ in their merger execution plan? According to all of the focus groups, neither their legacy agencies nor ICE kept them informed about the merger, requested employee input or provided adequate training to agents for their positions as ICE Special Agents.

B. COMMUNICATION

A legacy Customs non-supervisor said, “we first heard of the merger when DOJ had a party – they were getting rid of INS, that’s how everyone found out. Rumors. Newspaper. Our SAC told us to freshen up our resumes.” Another participant stated, “the merger needed to have been planned out and not rushed to implement it. We needed to know where we were going and it needed to be phased in. All the things, still not working out 3 years later, should all have been worked out before it started and we should not have used a band-aid approach.”

In agreement with the perception from the legacy Customs non-supervisor group, a legacy INS non-supervisor advised, “we heard of the merger through the news and rumors. The rumors were that we were being merged with FBI, Customs, DEA. There were no briefings, nothing formal, no official word through management. We thought to the end that there would be a Bureau of Immigration Enforcement.”

A second legacy INS non-supervisor said, “the top on down failed to keep us informed. Why no e-mails or all hand’s meetings? We acknowledge that things were changing rapidly, but this just points to poor planning. The pace of change resulted in knee jerk reactions to unforeseen or unknown issues, which should have been known. The merger process was just too rushed and not thought out.”

As the majority of ICE management came from legacy Customs, this issue raised the most ire with the legacy INS groups that had to quickly adapt to a Customs work environment. A third legacy Customs non-supervisor added to the discussion, “the administration and leadership should have better prepared in advance, not ‘okay you guys are together, where do we go now?’ This was a total lack of planning, too much reaction. Legacy INS policies, practices and procedures were supposed to stay intact until ICE’s

policies, practices and procedures were developed, but that never happened. We were kept in the dark then slammed and held accountable for things we did not know about because they were all Customs.”

The legacy INS supervisors knew a merger was occurring, but had no facts. As one legacy INS supervisor emphatically stated, “people are still just angry about the whole thing. It was shoved down people’s throats and that makes those working relationships that did exist, tough to recover. What we heard was through rumor, it’s going to happen, we don’t know what it’s going to look like, but it’s going to be a hostile takeover.”

Echoing the other groups, the legacy Customs supervisors said information was scarce. One participant advised, “during the merger we heard nada. It wasn’t explained to us and we had no input. It was all rumors. We did have one SAC meeting in the beginning, after the merger was announced, but not much was said. No one knew anything.”

Although both legacy groups were in agreement that there was at best poor communication concerning the merger, the legacy INS groups were the most vocal about the issue. Between legacy INS agents and legacy Customs agents, the INS agents were more affected by poor communication. The merger placed them in an unfamiliar organizational structure, managed by legacy Customs agents and responsible for legacy Customs policies, practices and procedures. An additional factor that elevated this issue for legacy INS participants is explained by the focus groups’ demographics.

Comparing legacy group to legacy group, the former INS agents had approximately twice the length of experience with INS than the legacy Customs agents had with Customs – 21.5 years at INS to 9.6 years at Customs. Even more striking is the difference between legacy non-supervisor groups. The legacy INS non-supervisor participants average 15 years experience with INS, while the legacy Customs non-supervisor participants averaged 2.9 years experience with Customs. The older, more experienced INS agents were most impacted by changes inherent to the merger.

C. LEADERSHIP AND ACCOUNTABILITY

The legacy Customs non-supervisors were the only group to name someone, at least by title, as being responsible for the merger, when one participant stated, “the Assistant Secretary drove the merger along with senior Customs’ management, who soon retired. The merger was driven by knee jerk.” There were no standards or policies in-place to govern the process. Another participant advised that there was no accountability to HQ and that local management often made rules contrary to HQ.

There was consensus in the legacy INS non-supervisor group that no one was really responsible for the merger. One participant said, “the Commissioner should have stood up for us at the merger, but he was not a real Commissioner. People at the top, the Executive Associate Commissioners - Policy and Planning, should have stood up, but they didn’t or how else would we have ended up with 3 out of 25 SACS.” Another participant advised, “the initial and continuing failure of this process belongs to HQ, from not planning to now not holding people accountable. It has partly shifted to the SACS, but HQ does not hold SACs accountable. HQs does not lead. They operate in a vacuum.”

Another legacy INS non-supervisor agreed that no one was accountable and advised that “ICE needs an accountable group - outside those with operational duties, to focus on an integration plan, because it still hasn’t happened and it won’t. Someone needs power over the SACs to hold them accountable for achieving integration and it won’t be a legacy Customs person in OI.”

The legacy Customs supervisors also could not name those responsible for implementing the merger plan. One participant said, “no one drove the merger process. There was no vision. No one had any business acumen.”

As in the previous discussion on communication, one of the more disenfranchised groups was most expressive on this topic. A legacy INS supervisor said, “we don’t know who perpetrated this thing. There was a planning core, but we’re not sure exactly who that was. Who took these 22 entities and turn them into something else today? All a bunch of whiz kids. The faces kept changing. As it was happening, I was on a 4-month detail at HQ at the time. I remember all these kids coming in – they looked like my daughter, telling me about their view of the future.”

The research points to leadership and accountability being critical to a successful merger. Based upon the data obtained from the focus groups, it is unknown who led the merger process, whether a team or individual was responsible or whether there was even any accountability outside of ICE to achieve a successful merger. This could just be a further example of a failed communication plan. However, what is important for this thesis is that the participants perceived that the merger was done ad hoc, without forethought or consideration for the employees.

D. EMPLOYEE INPUT AND FEEDBACK

There was again complete consensus among the legacy groups that no employee input was sought and attempts at feedback were prevented. Researchers and government sources agreed on the necessity for employee involvement. Without involvement and employee buy-in to the process, employee commitment and a successful merger is doubtful. A legacy Customs non-supervisor advised, “at a town hall meeting the SAC encouraged people to come up. As agents started to come up, the acting DSAC said ‘sit down, you are not talking to him.’ We cannot get anything through the ASACs’ level.”

Legacy INS non-supervisors advised that the culture clash could have been mitigated if legacy INS management was present with a voice during the merger. One participant advised, “more legacy INS management is needed so that immigration enforcement concerns have a voice. If immigration enforcement is not represented from the ground all the way up, its voice will be lost.”

A legacy Customs supervisor said, “there was nothing that could have been done better other than doing it slower and more deliberate, with more input from agents. The corporate expertise was not used in creating ICE.”

And again, legacy INS supervisors, arguably speaking for the most disenfranchised group at ICE provided the strongest opinions on this issue. One participant commenting on who drove the merger said, “no one with any institutional knowledge; it was like they avoided talking with anyone with institutional knowledge because they were going so far out of the box they were afraid of us with a lot of time

in.” A second participant added, “truth is if they spoke to us with our institutional knowledge we could have come up with some of the more creative, positive ways for it to happen. There are still wounds from the method in which it occurred.”

E. TRAINING

In general, training is important to federal law enforcement agents; however, the training required for this merger was beyond critical. Whether training is used as a process or step in organizational change or as a significant change agent itself, a trained workforce is an inherent element for any successful merger or transform.

The non-supervisor and new hire groups were more vocal on this issue than the supervisor groups. This is not a surprise as they are responsible for work production in the field. However, there was consensus from all groups, including supervisors and new hires, that training was woefully insufficient. A second consensus of all the groups was that Spanish language instruction still needed to be widely instituted.

A legacy Customs non-supervisor said, “and to give 24 to 32 hours training - no other agency would do that and allow you, no expect you to enforce new law. You took an open book test and they pushed a button and said ‘You have the authority to enforce federal immigration law.’ Totally ludicrous. No questions were allowed in class. We were told by instructors, ‘I’ll give you the answers you’ll need for the test.’ Fraud document training was some 1972 visa on 2 power point slides. The instructor walked around during the test and would point out ‘I think that is the correct answer’ on the test form. It was all a dog and pony show – ‘We gave you your training.’ We look like idiots in front of people while we wait for a legacy immigration agent to show up. Three years later I am still calling people for help to answer questions or to interpret. It is the same for the INS agents – they are in a trick bag too.”

A legacy INS non-supervisor advised, “the new hires complain about the training they received and lack of Spanish language training. You cannot do immigration enforcement without speaking Spanish and it was a big mistake dropping it as a requirement, but it shows you the direction ICE wants to go. And the lack of a post academy training program and a mentoring program is also a mistake.” A second participant said, “no one is learning ENFORCE. Less than half of legacy Customs can

even access it. Even in-service training is legacy Customs related. Have you ever heard of an in-service on human trafficking?” A third participant said, “FLETC training must reflect ICE priorities: ASU¹¹², Worksite, Fraud and in-service training must reflect ICE’s priorities. We need formal post academy.”

As previously referenced under tension, part of the new hire’s advisement is apropos here: “training at FLETC in 2004 and 2005 was the same. In training, we had to sit around and listen to disgruntled legacy Custom agents bad mouth INS and everything that happened. FLETC was like two watered down academies. We had all Customs instructors and they were not good role models. They complained that they were stuck there because of the merger and wanted to be transferred out.”

Despite differences in background, experience, education and training, the participants voiced concerns over the poor quality of in-service and basic academy training. Senior agents stated that they were often embarrassed in the field before other law enforcement officers because they do not know the laws they were charged with enforcing. Many participants voiced an inability to effectively perform their jobs, which negatively affects other issues such as self-image and morale.

F. SUMMARY

It is clear that key practices discussed in the literature were not applied to the change management plan executed by ICE. INS and Customs leadership failed their employees. They did not prepare them for the merger, let alone include them in the merger planning process. This failure of leadership continued with ICE leadership. ICE failed miserably to develop and execute a change management plan and ICE employees continue to suffer the consequences.

There is strongly voiced consensus among the groups that employees had no input in the creation of ICE. The rumor mill was the only source of communication affecting their professional lives. Someone evidently made decisions during the merger; however, it was not a transparent process to the focus groups’ participants. The participants perceived that there was no accountability for the process or to employee’s needs. Training was at best an after-thought to the merger, not a component or driving force. In-

¹¹² “ASU” means Anti-Smuggling Unit.

service training was a sham and academy training is woefully inadequate. However, perhaps the most important dimension to the failure was the lack of employee involvement to the process. Employee buy-in was not sought and in fact it was discouraged. The inattention to this critical issue could possibly have sown the seeds for non-success more so than any other issue. All of the groups expressed resentment over not being included in the process.

Unfortunately, with leaderships' performance and a failed merger, there is little wonder why ICE does not have its own culture or identity, but remains mired and stagnated in a convolution of identities and cultures brought over from INS and Customs. What can be done? Is it too late to recover? What changes might be done to rectify the earlier mistakes? If not, and the leadership at the Department level, or the White House, or Congress decided to try again, what would these results from the employees suggest for the new initiative?

The final chapter makes a strategic recommendation to mitigate the damage from this failure. Additionally, a pilot program is proposed for ICE in Phoenix, Arizona. The pilot program leverages stakeholders' support in an effort that will reduce tensions between legacy agents and have a positive affect on morale.

VI. RECOMMENDATIONS

A. INTRODUCTION

The recommendations are divided into two primary sections. The first section makes a global strategy recommendation for addressing ICE's challenges. The second section describes a pilot program for ICE to transact in Phoenix, Arizona.

ICE was one of the unique entities created by the standup of DHS. It was formed by merging various components taken from pre-existing organizations. This provided ICE with a uniquely different role, having a much broader application of authorities than held by any of the pre-DHS component agencies. However, according to independent observers and, as this thesis documents, the views of employees from both legacy agencies and across supervisory and non-supervisory roles, ICE has not been able to efficiently utilize these authorities because of a failed change management process that did not create a unified agency and continues to function along stove-piped functional lines.

B. GLOBAL STRATEGY RECOMMENDATION

ICE has only one strategic option to recover from the failure of the change management process used to merge INS and Customs. Because of the very poorly executed merger plan, tension and conflict in ICE is so bad that nothing short of a well-planned and well-executed transformation plan will help. Without this, the damage to employee relations will take several generations of employees to correct by any measure short of a total transformation – and the country can ill afford that. The agency's efficiency is severely degraded by the current conditions the merger has wrought.

The focus groups identified a myriad of serious issues that will not respond to a quick fix and they are too plentiful to be corrected by anything less than a complete transformation process. The primary issues that found major consensus among the focus groups' participants revolved around mission and priorities, organizational alignment, leadership, accountability, employee input, training and communication. Other more personal issues such as stress, tension, self-image and morale were also of great concern to the participants. However, the participants' stress and tension, poor self-image and low

morale resulted from the primary issues that are still unresolved from the merger. Therefore, when the primary issues are properly addressed in a transformation plan the participants' stress and tension will be reduced and their self-image and morale increased.

The focus groups said that ICE's mission was unclear and the priorities changed often. There was a belief that the mission focused around aliens, but that the organizational alignment of the workgroups did not support immigration enforcement. Not having a clear mission and focused priorities is unfair to the labor force and to the American people, yet it is understandable why ICE remains stovepiped along former Customs-oriented workgroups.

At ICE HQ, the Deputy Secretary, Chief of Staff, Director of Investigations and every Deputy Assistant Director (e.g. those responsible for National Security, Smuggling, Financial, Narcotics, etc.) were all legacy Customs managers. In the field, legacy Customs managers held three out of twenty-five Special Agent In Charge positions. It is not difficult to understand why legacy Customs managers were chosen to run ICE when HQ leadership was comprised of virtually all legacy Customs managers. However, 40 percent of ICE's Special Agents were legacy INS Special Agents and that was a sufficient workforce to have properly aligned field units working towards the national priorities. Therefore, to increase agency efficiency, work units must be aligned to support the mission and the priorities – whatever they may be.

Leadership was typically not visible or accessible during the merger, nor is it at present. Not wanting to make mistakes and injure promotional opportunities, supervision and mid-management would be reluctant to make any decisions. Supervision must be empowered to make decisions without fear of retribution for innocent mistakes. As previously quoted from Robert Behn's *The Dilemmas of Innovation in American Government*, "the dirty little secret is that innovation requires failure. The corollary is that unless an organization tolerates... failure, it is unlikely to get much innovation."¹¹³ Supervisors must be allowed to make honest mistakes.

This does not mean that management should not be held accountable for performance and compliance with HQ directed policies; it means that some latitude must

¹¹³ Kelman, *Unleashing Change*, 29.

be provided. This is especially true when there is a predominantly legacy Customs management structure trying to supervise legacy INS agents executing an immigration enforcement mission. Without management possessing the institutional knowledge to implement an immigration enforcement mission, mistakes are inevitable. That said, upper field management should be held accountable for making decisions and instituting policies in clear contradiction to ICE HQ policy. As voiced by the focus groups, managers were not held accountable for their actions when they contradicted HQ.

During the transformation, leadership must be visible and accessible. There must be a management team responsible for implementing the transformational plan and they must be held accountable for its proper execution. ICE employees must have input in the transformation process. There needs to be as much effort expended by the planning phase as there is used in the execution phase of a transformation. During the merger, the focus group participants said that they had no input in the merger and that they were silenced when they attempted to raise issues. They decried not having avenues for redress when management made decisions contrary to ICE policy and they were not permitted to speak to senior management.

The participants also advised that they did not possess the skills to perform their job. For both new hires and journey agents, training was woefully insufficient. There was no communication plan during the merger. Rampant rumors had a debilitating affect on morale and work performance. While communication has improved slightly, it still mainly occurs as agency-wide e-mail broadcasts with no involvement of local management.

In order to assist with a visualization of ICE's current status, a strategy canvas (Figure 2) was used as an action framework and diagnostic tool to sort and clarify the scope of the issues facing ICE, compared to the issues that Customs and INS had faced. For purposes of this thesis, the major difference between a merger and transformation is that a merger is external. It constitutes two different, separate entities coming together to form a new organization. A transformation is an internal process, whereby an entity attempts to re-invent, change direction or in some manner improve itself. INS and

Customs merged, albeit not successfully. What needs done now is internal; a well-planned and well-executed transformation plan to alleviate many of the focus groups' major issues of concern:

- Mission
- Priorities
- Employee Input
- Tension
- Self-Image/Identity
- Morale

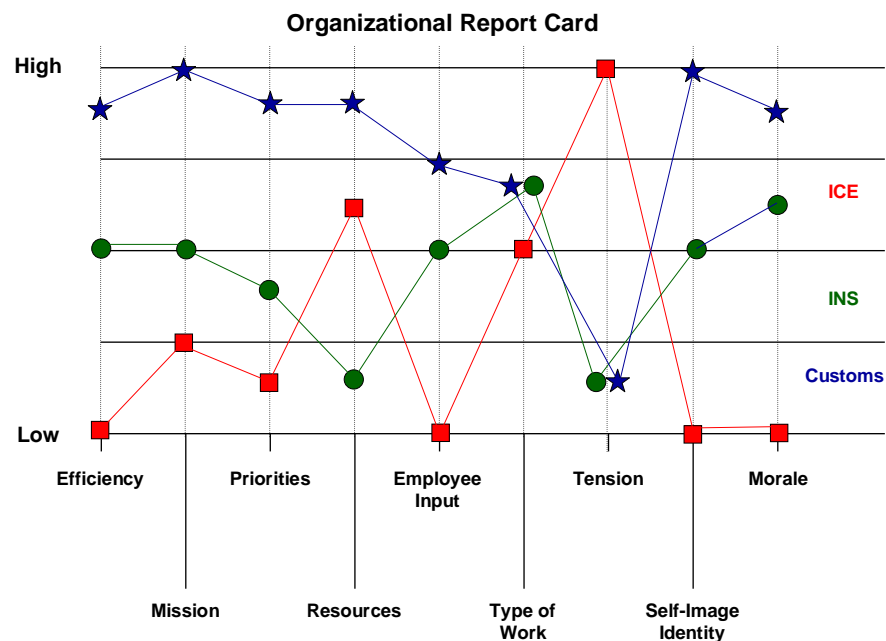


Figure 2. Strategy Canvas: Issues of Concern for ICE Agents (After W. Chan Kim and Renée Mauborgne).¹¹⁴

These items as noted on the horizontal axis capture those items of importance to ICE employees. The items are evaluated from the perspective of their legacy agency. The vertical axis rating was based upon an analysis of data collected during the focus group meetings. It represents a subjective quality evaluation by the participating employees of

¹¹⁴ W. Chan Kim and Renée Mauborgne, *Blue Ocean Strategy* (Boston: Harvard Business School Press, 2005): 26.

the identified items of importance. In most areas, the higher the ranking, the more desirable the attribute. The one exception to this is “tension.” Tension is not normally a desirable attribute and an agency exemplifying high tension is worse than an agency with little tension.

The vertical axis rating for Customs was an evaluation provided by legacy Customs agents. The vertical axis rating for INS was an evaluation provided by legacy INS agents. The vertical axis rating for ICE was an amalgamation of all legacy employee groups and the new ICE employee group. The importance of the strategy canvas is that it clearly demonstrates the areas that are in most need of redress: efficiency, employee input, tension, self-image/identity and morale.

Mission and priorities did not score at the very bottom, but it is inconceivable for an agency not to have a clearly stated vision, mission and set of stable and achievable priorities. On this subject, ICE needs a Strategic Plan; a five year high-level road map, with strategic goals and objective that address ICE’s mission. While correcting these deficiencies – mission and priorities - alone would have some impact on agency efficiency it would not have an impact on the remaining issues.

Customs scored higher or the same in all items of importance when compared to INS. Both legacy groups judged their work as equally important and both judged tension within their legacy agencies as low. In no area did ICE show an improvement over Customs. Both Customs and ICE did show an improvement over INS in resources.

Returning back to those critical areas needing attention: efficiency, employee input, tension, self-image/identity and morale. Efficiency per se is not something you address head-on, but typically it can be the outcome of a strategy. Clarifying the mission and priorities will affect efficiency, but would have a minimal effect. The fact that ICE’s employees have concerns about the agency’s efficiency is very revealing and demonstrates their cognitive breakthrough and understanding that a transformation is needed.

Employee input is very desirable, not only from the view of organizational change process per se; we see its importance in the literature as a change agent itself – if there is a framework for innovation feedback.

In ICE, tension was built in from the very start by merging such disparate agencies. According to the Government Accounting Office:

The integration of INS and Customs investigators into a single investigative program has involved blending of two vastly different workforces, each with its own culture, policies, procedures, and mission priorities. Both programs were in agencies with dual missions that prior to the merger had differences in investigative priorities. For example, INS primarily looked for illegal aliens and Customs primarily looked for illegal drugs.¹¹⁵

This tension is the outcome of self-image, identity and morale issues allowed to fester. Self-image, identity and morale form a powerful convergence that unduly influences tension and negatively affects agency efficiency. As observed in Chapters IV and V, change management processes that include the important aspects of employee input and empowerment will mitigate these issues.

Notwithstanding GAO's observations, with the employee's cognitive breakthrough and dissatisfaction with the current status quo, the timing is perfect to undergo a strategic transformation by implementing a proper change management plan. Once a plan is executed the result will be an efficient, effective organization having a unified workforce with agents proud of their new identity, as ICE Special Agents.

As part of a transformation plan, the training program needs to be totally re-designed. Not providing agents with the proper training to perform their jobs is a recipe for failure. The current academy and in-service training is inefficient and ineffective. It is unfair and unconscionable not to provide a proper training environment with full skill sets being taught to new employees. According to the focus groups, the training that was provided to professional federal investigators was a sham and an embarrassment to the employee as well as to ICE. During any future in-service training, innovation feedback should be utilized by the agency to identify issues confronting the transformation. Additionally, ICE must ensure that know-how is demonstrated on learned skills. If not, whatever is spent on training will be misspent funds.

¹¹⁵ U.S. Government Accounting Office, *Homeland Security: Management Challenges Remain in Transforming Immigration Programs*, 11.

C. SUMMARY

In general, the purpose of the thesis was to examine the source of ICE's problems. The primary hypothesis was that ICE failed the change management process. ICE is not a successful merger of INS and Customs. ICE is an inefficient agency without its own culture. The organization is stagnated in a convulsion of identities and cultures brought over from INS and Customs.

The literature identified the crucial practices needed to successfully merge or transform an organization. The research provided the empirical evidence that the outcome of the change management process was failure. The analysis of the research against the themes found in the literature provided a snapshot of ICE's current deficiencies as well as providing references to where the change management had failed. These failures must be addressed by a transformation.

The outcome of the thesis is a recommendation to correct the failed merger. Nothing short of a well-planned and well-executed transformation plan will suffice and that is the recommendation. It is not within the scope of this thesis to draw a transformation plan. That is up to ICE leadership. The leadership must assess its own capacity to develop and execute a plan. The focus group participants questioned whether senior leadership had the in-house business acumen needed to develop and implement a merger plan. If the expertise does not exist within ICE to develop and execute a transformation plan, that expertise must be brought in.

It will take time to develop and execute a transformation. In the mean time, a pilot program is suggested for Arizona. Why Arizona? For some of the same reasons it was chosen for the site of the focus groups. Arizona is a gateway state for alien entry into the United States and is the linchpin along the southern border that presents an enormous vulnerability to the United States for problems of an immigration enforcement nature. It is much publicized in the media that ICE and the state and local authorities have a poor relationship that can only be improved upon. ICE's internal problems in Arizona are well known throughout the Department and this has resulted in ICE being unable to recruit or

retain senior management. No other ICE office in the country has experienced the succession of leadership as Arizona. However, most importantly is that ICE agents realize there is a need for a change.

D. ARIZONA PILOT PROJECT

This pilot program effectively uses immigration enforcement as a tool to leverage stakeholders' support for a primary affect on morale and self-image/identity. This will then have a cascading affect on several more issues of relevance to ICE employees, such as mitigating staff losses, reducing tension, increasing resources, and eventually increasing agency efficiency.

Through this program ICE will capitalize on the relationships local officials have with the media. ICE will do this by working with stakeholders, not against them. Good results bring good press and good press brings attention and additional resources. In this process, success feeds on and fuels further success.

A SWOT/SWOC¹¹⁶ analysis completed on the ICE office in Phoenix, Arizona, revealed that it has the necessary elements and capacity to execute this pilot program. There is still a trained, experienced and capable staff; and opportunity is present because of a broad-base of stakeholders with immigration-related concerns.

ICE's resources and strengths will be utilized for this pilot program, which will have outputs and outcomes capitalized by stakeholders' support of a proactive and visible immigration enforcement strategy. However, there is a threat and weakness to the program. Because of poor morale and other issues, there has been a large exodus of trained and experienced agents in immigration enforcement from OI, the ranks of which cannot be backfilled. With this cadre of experts to carryout the plan dwindling, execution should begin soon.

There are four hurdles for this pilot program to clear in order to be successful: cognitive, limited resources, motivation and politics. Returning to the use of a strategy canvas (Figure 3) is helpful to visualize the current state of ICE with regard to these impediments. The result of data collected from ICE personnel indicates that there is

¹¹⁶ "SWOT/SWOC" means Strengths, Weaknesses, Opportunities, Threats/Strengths, Weaknesses, Opportunities, Constraints.

already a high cognitive breakthrough indicating the need for ICE to undergo a strategic transformation. Limited resources are a concern for ICE and while congress has increased their budget and given ICE additional positions, it takes time for the government to hire and train new agents. What is important for the realization of this pilot program appeared on the Organizational Report Card Strategy Canvas. Whereas ICE's resources are less than that of Customs, they are more abundant than what INS possessed. Since this plan involves primarily legacy INS agents who are used to working with minimal resources, ICE's current resources are not too much of a hindrance to the proposed program's success.

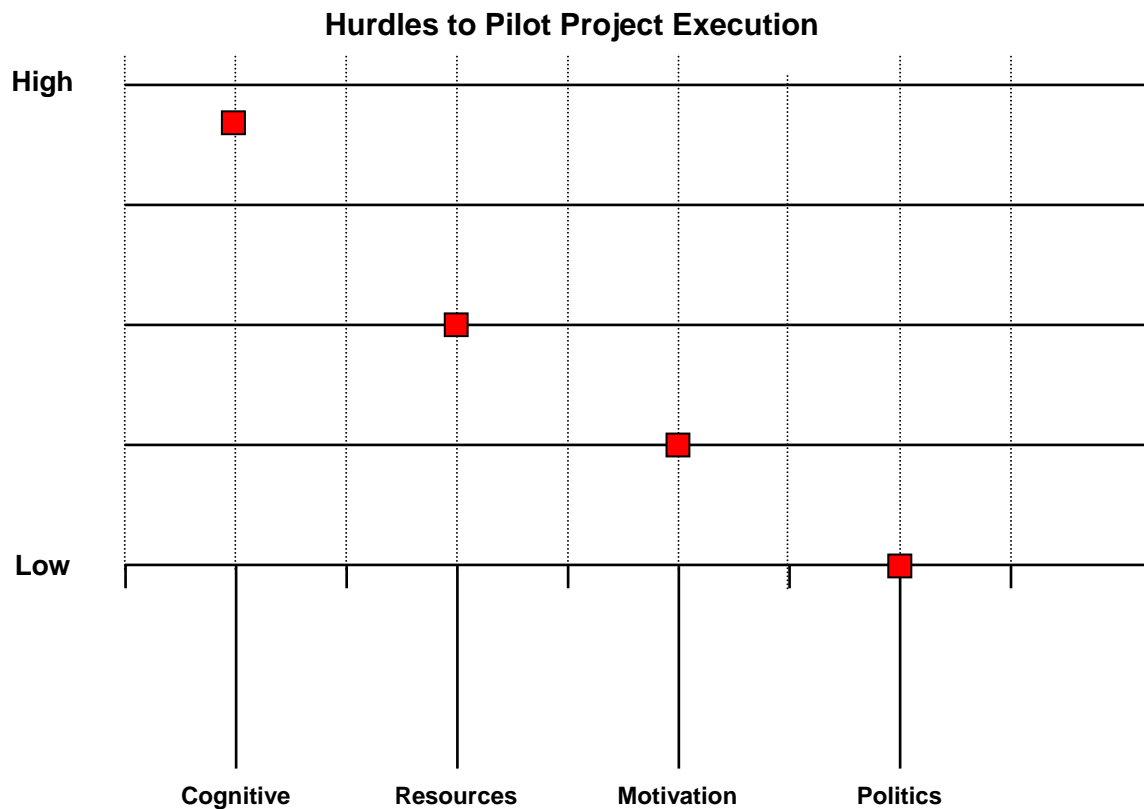


Figure 3. Strategy Canvas: Arizona Pilot Project's Hurdles.
(After W. Chan Kim and Renée Mauborgne).¹¹⁷

Motivating agents to take on what appears to be another priority when they are already over-burdened will be difficult, but can be overcome. The focus groups

¹¹⁷ Kim and Mauborgne, *Blue Ocean Strategy*, 26.

demonstrated that there are sufficient numbers of motivated agents to drive this plan and early on successes will gain converts from those wanting change, but fearful to act.

A key factor for the pilot project is that although politics or stakeholders' support is low, with identification and support of common initiatives it will be the keystone to motivate staff and raise resources. This is similar to the phenomena of how self-image, identity and morale formed a convergence affecting several critical elements.

Within the Arizona SAC area of responsibility, the pilot program will be executed in Phoenix, Arizona, for several reasons. Immigration enforcement issues are endemic to the area. Arizona is the gateway for illegal immigration into the United States from Mexico and Central America. Phoenix is the crossroads for the movement of illegal aliens throughout the United States. There is an abundance of stakeholders.

The Phoenix Deputy Special Agent In Charge (DSAC) and two legacy INS agents will drive the plan. This is a critical component to the pilot project's outcome; the employees driving the plan will be empowered to develop the pilot program. One agent needs to be an Assistant Special Agent In Charge (ASAC) and the other a Group Supervisor (GS). As the DSAC is upper management with farther reaching responsibilities than one enforcement program, there will be heavy reliance upon the ASAC. ASACs are the interpreters and communicators for the organization to the first line supervisors and agents. A GS is too close to the work to maintain an overall perspective, therefore an ASAC will have operational command and control for the program. The ASAC must be a skilled communicator and consensus builder. The ASAC used in this pilot program must have the requisite skills and experience to fill the position or the pilot program will fail.

The pilot program will develop around an immigration enforcement issue on which ICE and stakeholders can cooperate. Frank conversations between state and local government and ICE will determine the enforcement area and define expectations. Typically human trafficking and alien smuggling, exploitation of workers, document fraud and identity theft, response to local police calls for assistance and hostage-taking are high on the list of ICE and stakeholders' concerns.

Through frank conversations and transparency, state and local officials will not be unreasonable in their expectations of ICE. The pilot program agreement between ICE and stakeholders may limit ICE's involvement in some local issues while expanding it in others. Just like the key practice of involving employees to obtain their ideas and their ownership for an agency transformation, this strategy looks to involve stakeholders as allies, to gain from their ideas and let them have ownership in solving an issue of concern to them as well as to ICE.

The pilot program will succeed because there is a core desire among agents and stakeholders for success. Early on success will bring satisfaction to participating agents and stakeholders. As ICE Phoenix realizes successes from the pilot program and receives favorable stakeholder and media support, more resources will be forthcoming, morale will improve and turnover will decrease. With sufficient resources present, those agents that choose to specialize in other lines of ICE enforcement work will be more able to do so with the realization that it was immigration enforcement that brought their desires to fulfillment. As an outcome, respect for those operating in the realm of immigration enforcement will be earned and the much publicized tension between legacy INS and legacy Customs agents will lessen and the creation of a common identity will begin.

Kim and Mauborgne's Four Actions Framework (Figure 5) has been adapted for visualization of the pilot project's outcome on ICE staff. Tension between legacy INS and legacy Customs agents will be eliminated. Cooperation between legacy INS and legacy Customs agents will be created. Morale will be raised and employee losses through transfers or pre-mature retirements will be reduced.

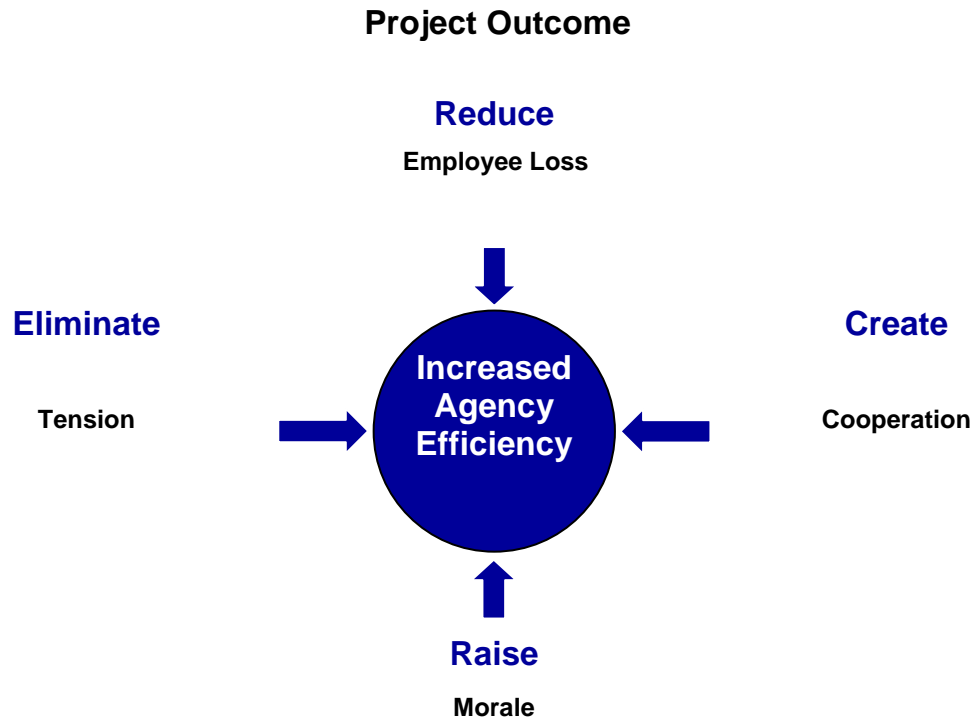


Figure 4. Four Actions Framework: Arizona Pilot Project Outcome.¹¹⁸

¹¹⁸ Kim and Mauborgne, *Blue Ocean Strategy*, 29.

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